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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलप बंकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (H)
PART II—Section 3—Sub-Section (H)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड
नई दिल्ली, 30 मई, 2001
(आयकर)

का.आ. 1956—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री गजानन महाराज संस्थान, शगाव" को वर्ष 1997-98 से 1999-2000 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर निर्धारित उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका सचयन पूर्णतया तथा अनन्वयता उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,

(ii) कर निर्धारित उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,

(iii) यह अधिसूचना किसी ऐसी आय से संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,

(iv) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप में आयकर प्राधिकारी के समक्ष फाइल करेगा,

(v) विषय की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या : 137/2001/फा. स. 197/27/2001-आई टी ए-1]

समर भद्र, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

Central Board of Direct Taxes

New Delhi, the 30th May, 2001

(INCOME TAX)

S. O. 1956.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Shri Gajanan Maharaj Sansthan, Shegaon" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business .
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 137/2001/F. No. 197/27/2001
ITA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 2 जुलाई, 2001

(आयकर)

का.आ. 1957.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "इंस्टीच्यूसन गेट धर्मस्थला, कर्नाटक" को वर्ष 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् —

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए, उसका संघर्षन पूर्णतया तथा अनन्यता उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से सगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेषर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हैं जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हो;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप में आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विषय की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 137/2001/फा. स. 197/106/2000-आयकर (नि.-I)]

श्रीमती प्रोमिला भागद्वज, निदेशक (आयकर नि.-I)

New Delhi, the 2nd July, 2001

(INCOME TAX)

S. O. 1957.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Institution a

Dharamsthal, Karnataka" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 197/2001/F. No. 197/106/2000-ITA-1]

MRS. PROMILA BHARDWAJ, Director (ITA-1)

नई दिल्ली, 16 जुलाई, 2001

(आयकर)

का.आ. 1958.—फा. सं. 176/129/77—आयकर नि-1 में दिनांक 1 मार्च, 1978 को जारी अधिसूचना [सं. 2208 में आंशिक संशोधन करते हुए शब्द "मार्गी गोवा" के स्थान पर शब्द "वेलिंग, माडॉल, गोवा-403404" तथा शब्द "सब राज्य क्षेत्र गोवा" के स्थान पर शब्द "गोवा राज्य" प्रतिस्थापित किए जाएंगे।

अधिसूचना की अन्य विषय-वस्तु अपरिवर्तनीय रहेगी।

[अधिसूचना सं. 212/2001/फा. सं. 176/11/2001-आयकर नि.-]]

श्रीमती प्रोमिला भारद्वाज, निदेशक (आ.क.नि.-I)

New Delhi, the 16th July, 2001

(INCOME TAX)

S. O. 1958.—In partial modification of notification No. 2208 dated 1st March, 1978 issued from File No. 176/129/77-ITA-1 in the words 'Margao, Goa' be replaced with words 'Velingardol, Goa-403404' and the words 'Union Territory, of Goa' be replaced by the words 'State of Goa'.

Other contents of the notification shall remain unchanged.

[Notification No. 212/2001/F. No. 176/11/2001-ITA-1]

MRS. PROMILA BHARDWAJ, Director (ITA-1)

(स्वापक नियंत्रण प्रभाग)

(विधि कक्ष)

नई दिल्ली, 27 जुलाई, 2001

का.आ. 1959.—स्वापक औषधि और मन प्रभावी पदार्थ अधिनियम, 1985 (1985 का 61) की धारा 36 ग के साथ पठित दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री ए. पी. देसाई, एडवोकेट को स्वापक औषधि एवं मन प्रभावी पदार्थ अधिनियम, 1985 के अन्तर्गत, केन्द्रीय सरकार की ओर से स्वापक नियंत्रण ब्यूरो के मामलों की अहमदाबाद स्थित अदालतों में पैरवी के लिए तीन वर्ष की अवधि के लिए अथवा अगले आदेश होने तक इनमें से जो भी पहले हो, विशेष सरकारी अभियोजन नियुक्त करती है।

परन्तु यह कि श्री ए. पी. देसाई केन्द्र अथवा राज्य सरकार द्वारा उक्त तीन वर्षों की अवधि के दौरान स्वापक औषधि और मन: प्रभावी पदार्थ अधिनियम, 1985 के अन्तर्गत किए गए किसी अपराध के लिए बुक किए गए किसी अपराधी की ओर से बचाव पक्ष के रूप में पेश नहीं होंगे।

[फा. सं. IV/2/2001—एन सी. डी. (विधि)]

एस. कुमार, उप विधि सलाहकार

(Narcotics Control Division)

(Legal Cell)

New Delhi, the 27th July, 2001

S.O. 1959.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), read with section 36C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby appoints Shri A. P. Desai, Advocate, as Special Public Prosecutor for purpose of conducting cases of Narcotics Control Bureau on behalf of the Central Government under the Narcotic Drugs and Psychotropic Substances Act, 1985 in the courts at Ahmedabad, for a period of three years or until further orders, whichever is earlier.

Provided that Shri A. P. Desai shall not appear as a defence counsel on behalf of any accused booked by the Central or a State Government, for any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985, during the said period of three years.

[F. No. IV/2/2001-NCD(Legal)]

S. KUMAR, Dy. Legal Adviser

नई दिल्ली, 31 जुलाई, 2001

(आयकर)

का.आ. 1960:—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "चण्डीगढ़ लान टेनिस एसोसिएशन, चण्डीगढ़" को 1994-95 से 1996-97 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारित्री उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उमका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथासंशोधित धारा 11 की उपधारा (2) और (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारित्री उपर्युक्त कर निर्धारण वर्षों में सगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीको से भिन्न तरीको से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) कर निर्धारित्री इसके सदस्यों को किसी भी तरीके से इसकी आय के किसी भाग का सवितरण इससे सम्बद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कागोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित्री के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हो।

[अधिसूचना सं. 223/2001/फा सं. 196/2/2000—आयकर

नि-1]

प्रोमिला भारद्वाज, निदेशक (आयकर नि. -I)

New Delhi, the 31st July, 2001

(INCOME TAX)

S. O. 1960.—In exercise of the powers conferred by clause (23) of section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Chandigarh Lawn Tennis Association, Chandigarh" for the purpose of the said clause for assessment years 1994-95 to 1996-97 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes) specified in sub-section (5) of Section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainments of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 223/2001/F. No. 196/2/2000-
ITA-I

MRS. PROMILA BHARDWAJ, Director (ITA-I)

भारतीय रिजर्व बैंक

(ग्रामीण आयोजना और ऋण विभाग)

(केन्द्रीय कार्यालय)

मुंबई, 14 जुलाई, 2001

का.आ. 1961.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का) की धारा 42, उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये भारतीय रिजर्व बैंक इसके

द्वारा क्षेत्रीय ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) के अन्तर्गत गठित सभी क्षेत्रीय ग्रामीण बैंकों को केवल 01 जनवरी, 2001 से 31 दिसम्बर, 2001 तक की और एक वर्ष की अवधि के लिये भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 42, उप-धारा (1) के परन्तुक के उपबंधों से छूट प्रदान करता है।

आर पी सी डी. सं. आर.एफ. 03/07.02.05/
2001-2002]

मुहम्मद ताहिर, कार्यपालक निदेशक

RESERVE BANK OF INDIA

(Rural Planning and Credit Department)

(Central Office)

Mumbai, the 14th July, 2001

S.O. 1961.—In exercise of the powers conferred by sub-section (7) of Section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), the Reserve Bank of India hereby exempts all Regional Rural Banks constituted under the Regional Rural Banks Act, 1976 (21 of 1976) from the provisions of the proviso to sub-section (1) of Section 42 of the Reserve Bank of India Act, 1934 for a further period of one year from 01 January, 2001 to 31st December, 2001 only.

[RPCD No. RF-03/07.02.05/2001-2002]
MOHAMMAD TAHIR, Executive Director

मुंबई, 14 जुलाई, 2001

का.आ. 1962.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42, उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये भारतीय रिजर्व बैंक इसके द्वारा क्षेत्रीय ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) के अन्तर्गत गठित सभी क्षेत्रीय ग्रामीण बैंकों को केवल 01 जनवरी, 2001 से 31 दिसम्बर, 2001 तक की और एक वर्ष की अवधि के लिये भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 42 उप-धारा (1क) के परन्तुक के उपबंधों से छूट प्रदान करता है।

[आर पी सी डी. सं. आरएफ. 04/07.02.05/
2001-2002]

मुहम्मद ताहिर, कार्यपालक निदेशक

Mumbai, the 14th July, 2001

S.O. 1962.—In exercise of the powers conferred by sub-section (7) of Section 42 of the Reserve Bank of India Act, 1934 (Act No. 2 of 1934), the Reserve Bank of India hereby exempts all Regional Rural Banks constituted under the Regional Rural Banks Act, 1976 (21 of 1976) from the provisions of sub-section (1A) of Section 42 of the Reserve Bank of India Act 1934 for a period of one year from 01 January, 2001 to 31st December, 2001 only.

[RPCD No. RF-04/07.02.05/2001-2002]
MOHAMMAD TAHIR, Executive Director

मुंबई, 14 जुलाई, 2001

का.आ. 1963.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42, उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये भारतीय रिजर्व बैंक इसके द्वारा उक्त अधिनियम की दूसरी अनुसूची में शामिल

सभी राज्य सहकारी बैंकों को केवल 01 जनवरी, 2001 से 31 दिसम्बर, 2001 तक की अवधि के लिये भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 42, उपधारा (1) के परन्तुक से छूट प्रदान करता है।

[आर पी सी डी. सं. आर.एफ. 06/07.02.05/
2001-2002]

मुहम्मद ताहिर, कार्यपालक निदेशक

Mumbai, the 14th July, 2001

S.O. 1963.—In exercise of the powers conferred by sub-section (7) of Section 42 of the Reserve Bank of India Act, 1934 (2 of 1934) the Reserve Bank of India hereby exempts all State Co-operative Banks which are included in the Second Schedule to the Act from the proviso to sub-section (1) of Section 42 of the Reserve Bank of India Act, 1934 for a further period of one year from 01 January, 2001 to 31st December, 2001 only.

[RPCD No. RF-06/07.02.05/2001-2002]
MOHAMMAD TAHIR, Executive Director

मुंबई, 14 जुलाई, 2001

का.आ. 1964.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42, उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये भारतीय रिजर्व बैंक इसके द्वारा उक्त अधिनियम की दूसरी अनुसूची में शामिल सभी राज्य सहकारी बैंकों को केवल 01 जनवरी, 2001 से 31 दिसम्बर, 2001 तक की अवधि के लिये भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 42, उप धारा (1क) के उपबंधों से छूट प्रदान करता है।

[आर पी सी डी. सं. आर.एफ. 07/07.02.05/
2001-2002]

मुहम्मद ताहिर, कार्यपालक निदेशक

Mumbai, the 14th July, 2001

S.O. 1964.—In exercise of the powers conferred by sub-section (7) of Section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), the Reserve Bank of India hereby exempts all State Co-operative Banks which are included in the Second Schedule to the Act from the provisions of sub-section (1A) of Section 42 of the Reserve Bank of India Act, 1934 for a further period of one year from 01 January, 2001 to 31st December, 2001 only.

[RPCD No. RF-07/07.02.05/2001-2002]
MOHAMMAD TAHIR, Executive Director

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 18 जुलाई, 2001

का.आ. 1965.—राष्ट्रीय आवास बैंक अधिनियम, 1987 (1987 का 53) की धारा 6 की उप-धारा 1 के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निम्नलिखित व्यक्तियों को राष्ट्रीय आवास बैंक में तत्काल प्रभाव से और अगले आदेश होने तक निदेशक के रूप में नियुक्त करती है।

1. श्री एस. एस. चट्टोपाध्याय,
सचिव, भारत सरकार,

पहूरी रोजगार और गरीबी उन्मूलन मंत्रालय,
नई दिल्ली ।

2. श्री सतीश चन्द्र,
संयुक्त सचिव, भारत सरकार,
ग्रामीण विकास मंत्रालय,
ग्रामीण विकास विभाग, नई दिल्ली ।

3. श्री शेखर अग्रवाल,
संयुक्त सचिव, भारत सरकार,
वित्त मंत्रालय,
आर्थिक कार्य विभाग, (बैंकिंग प्रभाग),
नई दिल्ली ।

[फा. सं. 7/15/2000-बी ओ-1]

रमेश चन्द, अवर सचिव

Department of Economic Affairs
(Banking Division)

New Delhi, the 18th July, 2001

S.O.1965.—In exercise of the powers conferred by clause (e) of sub-section 1 of Section 6 of the National Housing Bank Act, 1987 (53 of 1987), the Central Government hereby appoints the following persons as directors of National Housing Bank with immediate effect and until further orders :—

- (i) Shri S.S. Chattopadhyay,
Secretary to the Government of India,
Ministry of Urban Employment and Poverty
Alleviation,
New Delhi.
- (ii) Shri Satish Chandra,
Joint Secretary to the Government of India,
Ministry of Rural Development,
Department of Rural Development,
New Delhi.
- (iii) Shri Shekhar Agarwal,
Joint Secretary to the Government of India,
Ministry of Finance,
Department of Economic Affairs,
(Banking Division),
New Delhi.

[F. No. 7/15/2000-B.O.-1.]

RAMESH CHAND, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(खाद्य और सार्वजनिक वितरण विभाग)

नई दिल्ली, 19 जुलाई, 2001

का.अ. 1966:—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक विभाग (वित्त) भारतीय खाद्य

निगम के निम्नलिखित कार्यालय, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

भारतीय खाद्य निगम,
जिला कार्यालय,
मंडी (हिमाचल प्रदेश)

[संख्या ई-11011/1/2001-हिन्दी]

रजनी राजदान, संयुक्त सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD
AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

New Delhi, the 19th July, 2001

S.O.1966.—In pursuance of Sub-rule (4) of rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the following office of Food Corporation of India under the administrative control of the Ministry of Consumer Affairs, Food & Public Distribution (Deptt. of Food & Public Distribution), where of more than 80% of staff have acquired the working knowledge of Hindi :

Food Corporation of India,
District Office,
Mandi (Himachal Pradesh).

[No.E-11011/1/2001-Hindi]

RAJNI RAZDAN, Jt. Secy.

उपभोक्ता मामले विभाग

नई दिल्ली, 30 जुलाई, 2001

का.अ. 1967—केन्द्रीय सरकार, भारतीय मानक ब्यूरो अधिनियम, 1986 (1986 का 63) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये एतद्वारा श्री के. एम. साहनी, भा.प्र. सेवा (अरुणाचल-गोवा-मिजोरम संघ राज्य क्षेत्र संवर्ग : 69) को तत्काल प्रभाव से तीन साल की अवधि के लिये या अगले प्रादेशो तक जो भी पहले हो, 22,400-525-24,500 रुपये के वेतनमान में भारतीय मानक ब्यूरो के महानिदेशक के पद पर नियुक्ति करती है ।

[फा.सं. 2/3/2000-बी आई एस]

देश बन्धु, अवर सचिव

(Department of Consumer Affairs)

New Delhi, the 30th July, 2001

S.O. 1967.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Bureau of Indian Standards Act, 1986 (63 of 1986), the Central Government hereby appoints Shri K. M. Sahni, IAS (AGMUT : 69), as Director-General, Bureau of Indian Standards in the pay scale of Rs. 22,400-525-24,500, with immediate effect for a period of three years or until further orders, whichever event occurs earlier.

[F. No. 2/3/2000-BIS]

DESH BANDHU, Under Secy.

कोयला मंत्रालय

आदेश

नई दिल्ली, 30 जुलाई, 2001

का आ 1968.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का आ 375, तारीख 12 फरवरी, 2001 के, भारत के राजपत्र, भाग-II, खंड-3, उपखंड (ii) तारीख 24 फरवरी, 2001 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में या उस पर के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलंगनों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे ;

और केन्द्रीय सरकार का यह समाधान हो गया है कि साउथ ईस्टर्न कोलफील्ड्स लि बिलासपुर (छत्तीसगढ़), सरकारी कंपनी, (जिसे इसमें इसके पश्चात् उक्त कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, जिन्हें केन्द्रीय सरकार इस निमित्त अधिरोपित करने के लिए उचित ममत्ते, अनुपालन करने के लिए रजामंद है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा II की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में या उस पर इस प्रकार निहित अधिकार, केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय तारीख 24 फरवरी, 2001 से निम्नलिखित निबंधनों और शर्तों के अधीन रहने हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :—

- (1) उक्त सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, व्याज, नुकसानियों और वैसे ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
- (2) उक्त कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को सदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त किए गए व्यक्तियों के सबंध में उपगत सभी व्यय, उक्त कंपनी द्वारा वहन किए जाएंगे और वैसे ही, इस प्रकार उक्त भूमि में या उस पर निहित होने वाले अधिकारों के लिए या उनके सबंध में सभी विधिक कार्यवाहियों जैसे अपील आदि की बाबत उपगत, सभी व्यय भी, उक्त कंपनी द्वारा वहन किए जाएंगे,
- (3) उक्त कंपनी, केन्द्रीय सरकार या इसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो उक्त भूमि

में या उस पर इस प्रकार निहित होने वाले अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्ही कार्यवाहियों के सबंध में आवश्यक हो, क्षतिपूर्ति करेगी ;

- (4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि को किसी अन्य व्यक्ति को अंतरित करने की कोई शक्ति नहीं होगी, और
- (5) उक्त कंपनी, ऐसे निर्देशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विनिष्ट क्षेत्रों के लिए दिए जाए या अधिरोपित किए जाएं, पालन करेगी।

[फा. स. 43015/13/98—पी आर आई डब्ल्यू]

सजय बहादुर, उप सचिव

MINISTRY OF COAL

ORDER

New Delhi, the 30th July, 2001

S. O. 1968.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal number S. O. 375, dated the 12th February, 2001 in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 24th February, 2001, issued under Sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the rights in or over the land described in the Schedule appended to the said notification vested absolutely in the Central Government free from all encumbrances under Sub-section (1) of Section 10 of the said Act ;

And whereas the Central Government is satisfied that the South Eastern Coalfields Limited Bilaspur (Chhattisgarh), a Government Company, (hereinafter referred to as the Company), is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf ;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section II of the said Act, the Central Government hereby directs that the rights in or over the land, so vested, shall, with effect from the 24th February, 2001 instead of continuing to so vest in the Central Government, vest in the said Company, subject to the following terms and conditions namely :—

- (1) the said Company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act ;

(2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Company under condition (I), and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals etc., for or in over the said lands so vesting shall also be borne by the said Company ;

(3) the said Company shall indemnify the Central Government or its official against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its official regarding the

rights in or over the said lands so vesting ;

(4) the said Company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government; and

(5) the said Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 43015/13/98-PRIW
SANJAY BAHADUR, Dy. Secy.]

नई दिल्ली, 30 जुलाई, 2001

का.आ. 1969.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन तारीख 11 दिसम्बर, 1999 के भारत के राजपत्र, में प्रकाशित भारत सरकार के तत्कालीन खान एवं खनिज मंत्रालय, कोयला विभाग की अधिसूचना सं. का.आ. 3557, तारीख 29 नवम्बर, 1999 द्वारा, उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट परिक्षेत्र में की भूमि का अर्जन करने के अपने आशय की सूचना दी थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और मध्य प्रदेश शासन से परामर्श करने के पश्चात् यह समाधान हो गया है कि—

- (क) इससे संलग्न अनुसूची "क" में वर्णित 64.073 हेक्टर (लगभग) या 156.32 एकड़ (लगभग) माप वाली भूमि का ; और
- (ख) इससे संलग्न अनुसूची "ख" में वर्णित 1074.436 हेक्टर (लगभग) या 2654.93 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन बंद करने, उनके खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का, अर्जन किया जाना चाहिए ।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि—

- (क) उक्त अनुसूची "क" में वर्णित 64.073 हेक्टर (लगभग) या 156.32 एकड़ (लगभग) माप वाली भूमि का ; और
- (ख) उक्त अनुसूची "ख" में वर्णित 1074.436 हेक्टर (लगभग) या 2654.93 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन बंद करने, उनके खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का, अर्जन किया जाता है ।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. एस ईसीएल/बीएसपी/जीएम (परियोजना)/भूमि 246, तारीख 28 फरवरी, 2001 वाले रेखांक का निरीक्षण कलेक्टर, शहडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, कार्डमिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग), सीपत रोड, विलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है ।

अनुसूची "क"

ग्रामाड्डांड खंड-1

सोहागपुर कोलफील्ड

जमुना कोतमा क्षेत्र

जिला : गृहडोल (मध्य प्रदेश)

सभी अधिकार

क्र.सं. ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र (हेक्टर मे)	टिप्पणियां
1. मझौली	26	कोतमा	गृहडोल	64.073	भाग
				योग 64.073 हेक्टर (लगभग)	
				या	
				158.32 एकड़ (लगभग)	

1. ग्राम मझौली (भाग) में अर्जित किए गये खसरा संख्या :—

158 (भाग), 159, 160, 163, 181 से 194, 195 (भाग), 200 (भाग), 201 से 229, 230 (भाग), 231 से 248, 250 (भाग), 251 (भाग), 252 से 258, 262 (भाग), 287 (भाग), 296 (भाग), 297 से 344, 348 (भाग), 349, 350, 351, 352 (भाग), 354 (भाग)

सीमा वर्णन

- अ-अ रेखा बिन्दु "अ" से ग्राम मझौली-कुहका की सम्मिलित सीमा पर आरंभ होती है और ग्राम मझौली के खसरा नंबर 200, 195 से खसरा नंबर 181, 182, 186, 163, 160 की पश्चिमी सीमा, खसरा नंबर 158, 230, खसरा नंबर 248 की पश्चिमी सीमा, खसरा नंबर 250, 262, 251, से, खसरा नंबर 256, 257, 258, 298 की पश्चिमी सीमा, 296, 287, 352, 354 से होते हुई बिन्दु "ब" पर मिलती है।
- अ-ट रेखा ग्राम मझौली के खसरा नंबर 354, 348 से, खसरा नंबर 339, 341, 342, 343, 344 की दक्षिणी सीमा से होते हुई बिन्दु "ट" पर मिलती है।
- ट-ट1 रेखा ग्राम मझौली-निमहा की सम्मिलित सीमा से होते हुई बिन्दु "ट-1" पर मिलती है।
- ट1-अ रेखा ग्राम मझौली-कुहका की सम्मिलित सीमा के साथ-साथ जाती है और आरंभिक बिन्दु "अ" पर मिलती है।

अनुसूची "ख"

ग्रामाड्डांड खंड-1

सोहागपुर कोलफील्ड

जिला : गृहडोल (मध्य प्रदेश)

खनन अधिकार

क्र.सं.	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र हेक्टर मे	टिप्पणियां
1.	ऊरा	25	कोतमा	गृहडोल	033.868	भाग
2.	पयारी	26	कोतमा	गृहडोल	114.969	भाग
2.	सोहीबेलहा	26	कोतमा	गृहडोल	291.361	भाग
4.	मझौली	26	कोतमा	गृहडोल	269.364	भाग
5.	धनौली	26	कोतमा	गृहडोल	364.874	संपूर्ण

योग 1074.436 हेक्टर (लगभग)

या

2654.93 एकड़ (लगभग)

1 ग्राम ऊरा (भाग) में अर्जित किए गये खसरा सख्यांक :—

975 (भाग) 980 (भाग) 981, 982 (भाग), 983 से 992, 993 (भाग), 994 (भाग) 995 (भाग) 996, 997, 998 (भाग) 999, 1000 (भाग) 1001 (भाग) 1002 (भाग) 1003 (भाग) 1005 (भाग) 1011 (भाग) 1031 (भाग), 1032 (भाग), 1033, 1034 (भाग), 1035 से 1043, 1044 (भाग), 1051 (भाग), 1052 (भाग) 1053 (भाग), 1054 ।

2 ग्राम पयारी (भाग) में अर्जित किए गये खसरा सख्यांक :—

1076 (भाग), 1077 (भाग) 1078 (भाग), 1079 (भाग), 1080, 1081, 1082 (भाग), 1083 (भाग), 1084 (भाग), 1105 (भाग), 1143 (भाग), 1144, 1145 (भाग), 1146 से 1158, 1159 (भाग), 1160 (भाग), 1161 (भाग), 1178 (भाग), 1179 से 1192, 1193 (भाग), 1194 से 1199, 1200 (भाग), 1201 (भाग), 1207 (भाग) 1243 (भाग), 1244 (भाग), 1245 से 1250, 1251 (भाग), 1407 (भाग) 1408 (भाग), 1409 (भाग), 1410 (भाग), 1411 (भाग), 1515 (भाग), 1518 (भाग), 1519 (भाग), 1520 से 1530, 1531 (भाग), 1532 (भाग), 1540 (भाग), 1541 (भाग), 1542 (भाग), 1543 (भाग), 1544 से 1556, 1557 (भाग), 1558 से 1581, 1582 (भाग), 1587 (भाग), 1588 (भाग), 1589 (भाग), 1590 से 1613, 1614 (भाग), 1615 से 1632, 1633 (भाग), 2010 (भाग), 2011 (भाग), 2012 से 2038 1150/2092, 1181/2093, 1184/2094, 1250/2096, 1251/2098, 1251/2099 (भाग), 1251/2100 (भाग) ।

3. ग्राम सोहीबेलहा (भाग) में अर्जित किए गये खसरा सख्यांक —

40(भाग), 41, 42(भाग), 43(भाग), 44(भाग), 52(भाग), 53 से 69, 70(भाग), 71 से 76, 77(भाग), 78(भाग), 84(भाग), 145(भाग), 146(भाग), 149(भाग), 150 से 168, 169(भाग), 170(भाग), 171(भाग), 179(भाग), 562(भाग), 563(भाग), 566(भाग), 567 से 570, 571(भाग), 572(भाग), 573 से 618, 619(भाग), 620 से 622, 623(भाग), 624(भाग), 625(भाग), 647(भाग), 654(भाग), 655 से 662, 663(भाग), 664(भाग), 667(भाग), 668(भाग), 669(भाग), 670(भाग), 671(भाग), 672(भाग), 673 से 711, 712(भाग), 713(भाग), 714 से 890, 891(भाग), 892(भाग), 893(भाग), 894 से 900, 901(भाग), 902(भाग), 903 से 1038 ।

4. ग्राम मझौली (भाग) में अर्जित किए गये खसरा सख्यांक .—

1 से 157, 158 (भाग), 161, 162, 164 से 180, 195 (भाग), 196 से 199, 200 (भाग), 230(भाग), 249, 250(भाग), 251(भाग), 259 से 261, 262(भाग), 263 से 286, 287(भाग), 288 से 295, 296 (भाग), 345 से 347, 348(भाग), 352(भाग), 353, 354(भाग), 355 से 424 ।

5 ग्राम धनौली (संपूर्ण) में अर्जित किए गये खसरा सख्यांक

1 से 285, 148/286, 106/287, 15/288

सीमा वर्णन

क-ख रेखा बिन्दु "क" से आरंभ होती है और ग्राम सोहीबेलहा के खसरा सख्या 562, 563, 566, 619, 625, 624, , 623, 647, 902, 901, 893, 892, 891, 654, 663, 664, 663, 668, 667, 669, 670, 671, 672 712, 713, 179, 171, 170, 169, 145, 146, 149, 77, 78, 70, 84, 40 से होते हुई बिन्दु 'ख' पर मिलती है ।

ख-ग रेखा ग्राम सोहीबेलहा के खसरा सख्या 44, 43, 42, 52 से होते हुई बिन्दु "ग" पर मिलती है ।

ग-घ रेखा ग्राम धनौली की उत्तरी सीमा के साथ होते हुई बिन्दु "घ" पर मिलती है ।

घ-ङ रेखा ग्राम उरा के खसरा सख्या —

980, 982, 975, 1005, 1003, 1002, 1001, 1000, 995, 994, 993, 1011, 1034, 1032, 1031, 1044, 1052, 1053, 1051, से होते हुई बिन्दु "ङ" पर मिलती है

ङ-च-छ रेखा ग्राम उरा-खोडरी, उरा-कुहका, धनौली-कुहका, मझौली-कुहका

की सम्मिलित सीमा से होते हुई बिन्दु 'च' पर मिलती है । .

च-ज रेखा सभी अधिकार सीमा वर्णन में वर्णन के अनुसार जाती है और बिन्दु "ज" पर मिलती है ।

ज-ट रेखा सभी अधिकार सीमा वर्णन में वर्णन के अनुसार जाती है और बिन्दु "ट" पर मिलती है ।

ट-ठ-ड-द रेखा ग्राम मझौली-निमहा, पयारी-निमहा, पयारी-भाद, की सम्मिलित सीमा से होते हुई बिन्दु "ठ" पर मिलती है ।

क-ण-क रेखा ग्राम पयारी के खसरा संख्या 2011, 2010, 1633, 1687, 1588, 1589, 1582, 1557, 1540, 1541, 1542, 1543, 1551, 1532, 1515, 1519, 1518, 1411, 1410, 1409, 1408, 1407, 1614, 2100, 2099, 1251, 1244, 1243, 1207, 1210, 1200, 1178, 1159, 1160, 1161, 1143, 1145, 1105, 1082, 1083, 1084, 1079, 1078, 1077, 1076 से होने हुई ग्राम सोहियेलहा में प्रवेश करती है और खसरा नंबर 572, 571, 562 से होते हुई आरंभिक बिन्दु "क" पर मिलती है।

[फा.स. 43015/15/98-पी आर आई इन्ल्यू]

सजय बहादुर, उप सचिव

New Delhi, the 30th July, 2001

S.O. 1969.—Whereas by the Notification of the Government of India in the then Ministry of Mines and Minerals, Department of Coal number S.O. 3557 dated 29th November, 1999, published in the Gazette of India dated 11th December, 1999 under Sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule annexed to that notification ;

And whereas the competent authority in pursuance of Section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government after considering the aforesaid report and after consulting the Government of Madhya Pradesh is satisfied that :

- the lands measuring 64.073 hectares (approximately) or 158.32 acres (approximately) as described in the Schedule 'A' appended hereto; and
- the rights to mine quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 1074.436 hectares (approximately) or 2654.93 acres (approximately) described in the Schedule 'B' appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 9 of the said Act, the Central Government hereby declares that—

- the lands measuring 64.073 hectares (approximately) or 158.32 acres (approximately) as described in the Schedule 'A' and
- the rights to mine quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 1074.436 hectares (approximately) or 2654.93 acres (approximately) described in the Schedule 'B' are hereby acquired.

The Plan bearing No. SECL/BSP/GM(PLG)/Land/246 dated the 28th February, 2001 of the area covered by this notification may be inspected in the Office of the Collector, Shahdol (Madhya Pradesh) or in the Office of the Coal Controller 1, Council House Street, Calcutta or in the Office of the South Eastern Coalfields Limited (Revenue Section) Seepat Road Bilaspur—495 006 (Chhattisgarh).

SCHEDULE 'A'

AMADAND BLOCK-I

SOHAGPUR COALFIELDS

DISTRICT SHAHDOL (MADHYA PRADESH)

ALL RIGHTS

Sl No.	Name of Village	Patwari Halka Number	Tahsil	District	Area in hectares	Remarks
1.	Majhauri	26	Kotma	Shahdol	64.073	Part

TOTAL : 64.073 Hectares (approximately) OR 158.32 Acres (Approximately)

- Khasra numbers acquired in village Majhauri (Part) :
158 (Part), 159, 160, 163, 181 to 194, 195 (Part), 200 (Part), 201 to 229, 230 (Part), 231 to 248, 250 (Part), 251 (Part) 252 to 258, 262 (Part) 287 (Part), 296 (Part) 297 to 344, 348 (Part) 349, 350, 351, 352 (Part), 354 (Part).

BOUNDARY DESCRIPTION

- I—J Lines starts from point 'I' on the common boundary for villages Majghauli—Kuhaka and passes in village Majghauli through Khasra Numbers 200, 195, then western boundary of khasra numbers 181, 182, 186, 163, 160 through khasra numbers 158, 230, western boundary of khasra number 248, through khasra numbers 250, 262, 251, along the western boundary of khasra numbers 256, 257, 258, 298, through khasra numbers 296, 287, 352, 354 and meets at point 'J'.
- J—K Line passes in village Majghauli through Khasra numbers 354, 348, along the southern boundary of khasra numbers 339 341, 342, 343, 344 and meet at point 'K'.
- K—K1 Line passes along the common boundary of villages Majghauli—Nimha and mee's at point 'K1'.
- K1—I Line passes along the common boundary of village Majghauli—Kuhaka and meets at the starting point 'I'.

SCHEDULE 'B'

AMADAND BLOCK-I

SOHAGPUR COALFIELDS

DISTRICT—SHAHDOL (MADHYA PRADESH)

MINING RIGHTS :

Sl. No.	Name of Village	Patwari Halka Number	Tahsil	District	Area in Hectares	Remarks
1.	Oora	25	Kotma	Shahdol	33.868	Part
2.	Payari	26	Kotma	Shahdol	114.969	Part
3.	Sohibelha	26	Kotma	Shahdol	291.361	Part
4.	Majghauli	26	Kotma	Shahdol	269.364	Part
5.	Dhanauli	26	Kotma	Shahdol	364.874	Full

TOTAL : 1074.436 hectares (approximately) OR 2654.93 acres approximately.

1. Khasra numbers acquired in Village Oora (Part) :

975 (Part), 980 (Part), 981, 982 (Part), 983 to 992, 993 (Part), 994 (Part), 995 (Part), 996, 997, 998 (Part), 999, 1000 (Part), 1001 (Part), 1002 (Part), 1003 (Part), 1005 (Part), 1011 (Part), 1031 (Part), 1032 (Part), 1033, 1034 (Part), 1035 to 1043, 1044 (Part), 1051 (Part), 1052 (Part), 1053 (Part), 1054.

2. Khasra numbers acquired in village Payari (Part) :

1076 (Part), 1077 (Part), 1078 (Part), 1079 (Part), 1080, 1081, 1082 (Part), 1083 (Part), 1084 (Part), 1105 (Part), 1143 (Part), 1144, 1145 (Part), 1146 to 1158, 1159 (Part), 1160 (Part), 1161 (Part), 1178 (Part), 1179 to 1192, 1193 (Part), 1194 to 1199, 1200 (Part), 1201 (Part), 1207 (Part), 1243 (Part), 1244 (Part), 1245 to 1250, 1251 (Part), 1407 (Part), 1408 (Part), 1409 (Part), 1410 (Part), 1411 (Part), 1515 (Part), 1518 (Part), 1519 (Part), 1520 to 1530, 1531 (Part), 1532 (Part), 1540 (Part), 1541 (Part), 1542 (Part), 1543 (Part), 1544 to 1556, 1557 (Part), 1558 to 1581, 1582 (Part), 1587 (Part), 1588 (Part), 1589 (Part), 1590 to 1613, 1614 (Part), 1615 to 1632, 1633 (Part), 2010 (Part), 2011 (Part), 2012 to 2038, 1150/2092, 1181/2093, 1184/2094, 1250/2096, 1251/2098, 1251/2099 (Part), 1251/2100 (Part).

3. Khasra numbers acquired in village Sohibelha (Part) :

40 (Part), 41, 42 (Part), 43 (Part), 44 (Part), 52 (Part), 53 to 69, 70 (Part), 71 to 76, 77 (Part), 78 (Part), 84 (Part), 145 (Part), 146 (Part), 149 (Part), 150 to 168, 169 (Part), 170 (Part), 171 (Part), 179 (Part), 562 (Part), 563 (Part), 566 (Part), 567 to 570, 571 (Part), 572 (Part), 573 to 618, 619 (Part), 620 to 622, 623 (Part), 624 (Part), 625 (Part), 647 (Part), 654 (Part), 655 to 662, 663 (Part), 664 (Part), 667 (Part), 668 (Part), 669 (Part), 670 (Part), 671 (Part), 672 (Part), 673 to 711, 712 (Part), 713 (Part), 714 to 890, 891 (Part), 892 (Part), 893 (Part), 894 to 900, 901 (Part), 902 (Part), 903 to 1038.

4. Khasra numbers acquired in village Majhauri (Part) :

1 to 157, 158 (Part), 161, 162, 164 to 180, 195 (Part), 196 to 199, 200 (Part), 230 (Part), 249, 250 (Part), 251 (Part), 259 to 261, 262 (Part), 263 to 286, 287 (Part), 288 to 295, 296 (Part), 345 to 347, 348 (Part), 352 (Part), 353, 354 (Part), 355 to 424.

5. Khasra numbers acquired in village Dhanauli (Full)

1 to 285, 148/286, 106/287, 15/288.

BOUNDARY DESCRIPTION :

- A — B Line starts from point 'A' in village Sohibelha through khasra numbers 562, 563, 566 619, 625, 624, 623, 647, 902, 901, 893, 892, 891, 654, 663, 664, 663, 668, 667, 669, 670 671, 672, 712, 713, 179, 171, 170, 169, 145, 146, 149, 77, 78, 70, 84, 40 and meets at point 'B'.
- B — C Line passes through khasra numbers 44, 43, 42, 52 of village Sohibelha and meets at point 'C'.
- C — D Line passes along the northern boundary of village Dhanauli and meets at point 'D'.
- D — E Line passes in village Oora through khasra numbers 980, 982, 975, 1005, 1003, 1002, 1001, 1000, 995, 994, 993, 1011, 1034, 1032, 1031, 1044, 1052, 1053, 1051 and meet at point 'E'.
- E — F — G — H — I Line passes along the common boundary of villages Oora—Khodri, Oora—Kuhaka, Dhanauli—Kuhaka, Majhauri—Kuhaka and meets at point 'I'.
- I — J Line passes as described in All Rights boundary and meets at point 'J'.
- J — K Line passes as described in All rights boundary and meets at point 'K'.
- K — L — M — N Line passes along the common boundary of villages Majhauri—Nimha, Payari—Nimha, Payari—Bhad and meets at point 'N'.
- N — O — A Line passes in village Payari through Khasra numbers 2011, 2010, 1633, 1687, 1588, 1589, 1582, 1557, 1540, 1541, 1542, 1543, 1551, 1532, 1515, 1519, 1518, 1411, 1410, 1409, 1408, 1407, 1614, 2100, 2099, 1251, 1244, 1243, 1207, 1201, 1200, 1178, 1159, 1160, 1161, 1143, 1145, 1105, 1082, 1083, 1084, 1079, 1078, 1077, 1076, then enter in village Sohibelha and passes through Khasra numbers 572, 571, 562 and meets at the starting point 'A'.

[No. 43015/15/98—PRIW]

SANJAY BAHADUR, Dy. Secy.

नई दिल्ली, 31 जुलाई, 2001

का.श्रा. 1970.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किये जाने की संभावना है।

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है,

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखाक स. एस ई सी एल/बीएसवी/जीएम (पीएलजी)/भूमि/249, तारीख 23 अप्रैल, 2001 का निरीक्षण कलेक्टर, राहडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व विभाग), सीपत मार्ग, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उप धारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व), साउथ ईस्टर्न कोलफील्ड्स लि., सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) को भेजेंगे।

अनुसूची
खैरहा ब्लॉक
सोहागपुर क्षेत्र
जिला शहडोल (मध्य प्रदेश)

(रेखाक स. एसईसीएल/बीएसपी/जीएम)
(प्लानिंग)/भूमि/249, तारीख 23 अप्रैल, 2001
(पूर्वक्षण के लिये भूमि दशति हुए)

क्र.स.	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र (हेक्टर में)	टिप्पण
1.	खैरहा	93	सोहागपुर	शहडोल	370.000	भाग
2.	खन्नाथ	93	सोहागपुर	शहडोल	423.683	भाग
3.	कंदोहा	93	सोहागपुर	शहडोल	125.125	भाग
4.	बोडरी	19	सोहागपुर	शहडोल	960.135	संपूर्ण
5.	अंतरिया	19	सोहागपुर	शहडोल	185.000	भाग
6.	छिरिहटी	99	सोहागपुर	शहडोल	220.775	भाग
7.	पिपरिया	94	सोहागपुर	शहडोल	80.000	भाग

योग 2364.718 हेक्टर (लगभग)

या

5843.22 एकड़ (लगभग)

सीमा वर्णन :

- क—ख रेखा ग्राम बोडरी में बिन्दु “क” से आरंभ होती है, और भागतः पश्चिमी सीमा के साथ, फिर बोडरी और खन्नाथ ग्राम की उत्तरी सीमा के साथ जाती है और बिन्दु “ख” पर मिलती है।
- ख—ग रेखा खन्नाथ, छिरिहटी ग्रामों से होकर जाती है और बिन्दु “ग” पर मिलती है।
- ग—घ रेखा छिरिहटी ग्राम की पूर्वी सीमा के साथ-साथ भागत जाती है और बिन्दु “घ” पर मिलती है।
- घ—क रेखा छिरिहटी ग्राम की दक्षिणी सीमा के साथ-साथ जाती है फिर कंदोहा, खैरहा, पिपरिया, अंतरिया ग्रामों से होते हुये, फिर बोडरी ग्राम की दक्षिणी सीमा के साथ जाती है और आरंभिक बिन्दु “क” पर मिलती है।

[फा.सं. 43015/8/2001—पीआरआईडब्ल्यू]

सजय बहादुर, उप सचिव

New Delhi, the 31st July, 2001

S.O. 1970.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing Number SECL/BSP/GM (PLG)/LAND/249 dated 23rd April, 2001 of the area covered by this notification can be inspected in the Office of the Collector, Shahdol (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta—700 001 or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur—495 006 (Chhattisgarh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur—495 006 (Chhattisgarh), within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE
KHAIRAHA BLOCK
SOHAGPUR AREA
DISTRICT-SHAHDOL (MADHYA PRADESH)
Plan No. SECL/BSP/GM(Plg)/Land 249

Dated 23rd April, 2001 (showing the land for prospecting)

Sl. No.	Name of Village	Patwari Halka Number	Tahsil	District	Area in hectares	Remarks
1.	Khairaha	93	Sohagpur	Shahdol	370.000	Part
2.	Khannath	93	Sohagpur	Shahdol	423.683	Part
3.	Kandoha	93	Sohagpur	Shahdol	125.125	Part
4.	Bodri	19	Sohagpur	Shahdol	960.135	Full
5.	Antariya	19	Sohagpur	Shahdol	185.000	Part
6.	Chhirihiti	99	Sohagpur	Shahdol	220.775	Part
7.	Pipariya	94	Sohagpur	Shahdol	80.000	Part

TOTAL : 2364.718 hectares (approximately) OR 5843.22 acres (approximately)

Boundary Description.

- A—B Line starts from point 'A' in village Bodri and passes along the partly Western Boundary, then Northern boundary of villages Bodri, Khannath and meets at point 'B'.
- B—C Lines passes through villages Khannath, Chhirihiti and meets at point 'C'.
- C—D Line passes partly along the Eastern boundary of village Chhirihiti and meets at point 'D'.
- D—A Lines passes along the Southern boundary of village Chhirihiti then through villages Kandoha, Khairaha, Piparia, Antariya, then along the Southern boundary of village Bodri and meets at the starting point 'A'.

[No.43015/8/2001/PRIW]

SANJAY BAHADUR, Dy. Secy.

नई दिल्ली, 31 जुलाई, 2001

का.आ. 1971.—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन भारत के राजपत्र, असाधारण, तारीख 2 नवम्बर, 2000 में प्रकाशित, भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.आ. 973(अ), तारीख 2 नवम्बर, 2000 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि का अर्जन करने के अपने आशय की सूचना दी थी।

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और मध्य प्रदेश शासन से परामर्श करने के पश्चात् यह समाधान हो गया है कि—

(क) इससे संलग्न अनुसूची "क" में वर्णित 61.428 हेक्टर (लगभग) या 151.78 एकड़ (लगभग) माप वाली भूमि ; और

(ख) इससे संलग्न अनुसूची "ख" में वर्णित 42.178 हेक्टर (लगभग) या 104.22 एकड़ (लगभग) माप वाली भूमि के अधिकार अर्जित किये जाने चाहिए ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह घोषणा करती है कि —

- (क) अनुसूची "क" में वर्णित 61.428 हैक्टर (लगभग) या 151.78 एकड़ (लगभग) माप वाली भूमि; और
(ख) अनुसूची "ख" में वर्णित 42.178 हैक्टर (लगभग) या 104.22 एकड़ (लगभग) माप वाली भूमि के अधिकार अर्जित किये जाते हैं।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. एस ई सी एल/बी एस पी/जी एम(योजना)/भूमि/245, तारीख 11 जनवरी, 2001 का निरीक्षण कलेक्टर, शहडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग), सीपत मार्ग, विलासपुर--495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

अनुसूची "क"

बकही परियोजना

सोहागपुर क्षेत्र

जिला : शहडोल (मध्य प्रदेश)

सभी अधिकार :—

क्र. सं.	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र (हेक्टर में)	टिप्पण
1.	बकही	47	अनूपपुर	शहडोल	61.428	भाग
योग 61.428 हैक्टर (लगभग)						
या						
151.78 एकड़ (लगभग)						

1. ग्राम बकही (भाग) में अर्जित किये गये प्लॉट संख्यांक —

1560, 1561, 1563, 1564, 1565, 1566 (भाग), 1568, 1574 (भाग), 1575 से 1594, 1621 से 1631, 1632 (भाग), 1641 (भाग), 1662 से 1711, 1590/1724

सीमा वर्णन :—

- क—ख रेखा ग्राम बकही में बिन्दु "क" से आरंभ होती है और प्लॉट संख्यांक 1663 की उत्तरी सीमा प्लॉट संख्या 1664, 1665 की पश्चिमी सीमा के साथ-साथ चलते हुए प्लॉट संख्या 1641 में से होते हुए प्लॉट संख्या 1641 की पश्चिमी सीमा के साथ-साथ गुजरती है और उसके बाद प्लॉट संख्या 1632, में से होते हुये प्लॉट संख्या 1632, 1621, 1623, 1589, 1592, 1593, 1594 की पश्चिमी सीमा, प्लॉट संख्या 1574 में से होते हुए प्लॉट संख्या 1568 की पश्चिमी सीमा से होती हुई बिन्दु "ख" पर मिलती है।
- ख—ग रेखा प्लॉट संख्या 1568, 1574 की उत्तरी सीमा के साथ-साथ चलते हुए प्लॉट संख्या 1566 में से होते हुये और फिर प्लॉट संख्या 1564 की उत्तरी सीमा से होते हुए बिन्दु 'ग' पर मिलती है।
- ग—घ—ङ रेखा प्लॉट संख्या 1564, 1563 की पूर्वी सीमा के साथ-साथ चलते हुए, प्लॉट संख्या, 1561, 1560, 1585 की उत्तरी सीमा और प्लॉट संख्या 1585 की पूर्वी सीमा से होते हुए बिन्दु "1" पर मिलती है।
- ङ—च—क रेखा प्लॉट संख्या 1585, 1701, 1702, 1703, 1704, 1705, 1711 की दक्षिणी सीमा, प्लॉट संख्या 1710, 1690 की पूर्वी सीमा, प्लॉट संख्या 1679 की दक्षिणी सीमा, प्लॉट संख्या 1679 की पश्चिमी सीमा, प्लॉट संख्या 1663, 1662, 1663 की दक्षिणी सीमा, ग्राम बकही के प्लॉट संख्या 1663 की पश्चिमी सीमा के साथ-साथ चलते हुए आरंभिक बिन्दु "क" पर मिलती है।

अनुसूची 'ख'
बकही परियोजना
सोहागपुर क्षेत्र
जिला . शहडोल (मध्य प्रदेश)

सभी अधिकार --

क्र म	ग्राम का नाम	पटवारी हल्का स.	तहसील	जिला	क्षेत्र (हेक्टर मे)	टिप्पणिया
1	बकही	47	अनूपपुर	शहडोल	42 178	भाग
					योग 42.178 हेक्टर (लगभग)	
					या	
					104.22 एकड़ (लगभग)	

ग्राम बकही (भाग) में अर्जित किए गये प्लॉट संख्याक --

1179 से 1181, 1184, से 1187, 1190, 1191 (भाग), 1192(भाग), 1193(भाग), 1194, 1195(भाग), 1199, (भाग), 1201(भाग), 1202 से 1207, 1208 (भाग), 1209(भाग), 1210(भाग), 1295 (भाग), 1296(भाग), 1297 (भाग), 1298, 1299 (भाग), 1300 (भाग), 1302 (भाग), 1303 (भाग), 1305 (भाग), 1308 (भाग), 1321 (भाग), 1322, 1444 (भाग), 1445 से 1467, 1468 (भाग), 1469, 1470, 1471 (भाग), 1473 (भाग), 1474 से 1537, 1566 (भाग), 1567, 1569 से 1573, 1574 (भाग), 1595 से 1620, 1632 (भाग), 1633 से 1637, 1639, 1640, 1641 (भाग), 1445/1722, 1530/1723, 1605/1730

सीमा वर्णन

क--ख	रेखा, ग्राम बकही में बिन्दु "क" से आरंभ होती है और वर्णित सभी अधिकार क्षेत्र सीमा में यथावर्णित चलते हुए बिन्दु "ख" पर मिलती है।
ख--ग	रेखा, सभी अधिकार क्षेत्र सीमा में यथावर्णित के साथ-साथ जाती है और बिन्दु "ग" पर मिलती है।
ग--ग1	रेखा, प्लॉट संख्या 1535, 1536, 1357, 1528, 1526, 1525, 1524, 1179 1181, 1184, 1187, 1190, 1191 की पूर्वी सीमा से होती हुई बिन्दु "ग 1" पर मिलती है।
ग1--ग2	रेखा, प्लॉट संख्या 1191, 1192, 1193, 1195, 1199, 1201, 1209, 1208, 1210, 1206, 1295, 1297, 1299 1300, 1302, 1303, 1305, 1308, 1321, 1473, 1471, 1468, 1444 में से होते हुए जाती है और बिन्दु "ग2" पर मिलती है।
ग2--क	रेखा, प्लॉट संख्या 1444, 1445, 1570, 1571, 1730, 1637, 1610, 1636, 1635, 1634, 1633, 1641 की पश्चिमी सीमा के साथ-साथ चलते हुए संख्या 1641 की दक्षिणी सीमा से गुजरती है और आरंभिक बिन्दु "क" पर मिलती है।

[फा. स. 43015/11/98-पी आर आई डब्ल्यू]

सजय बहादुर, उप सचिव

New Delhi, the 31st July, 2001

S.O. 1971.—Whereas by the Notification of the Government of India in the Ministry of Coal number S.O. 973(E) dated 2nd November, 2000, published in the Extraordinary Gazette of India dated 2nd November, 2000, under Sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule annexed to that notification,

And whereas the competent authority in pursuance of section 8 of the said Act, has made his report to the Central Government;

2347 GI/2001—3.

And whereas the Central Government after considering the aforesaid report and after consulting the Government of Madhya Pradesh is satisfied that;

- (a) the lands measuring 61.428 hectares (approximately) or 151.78 acres (approximately) as described in the schedule 'A' appended hereto, and
- (b) the rights in the lands measuring 42.178 hectares (approximately) or 104.22 acres (approximately) described in the schedule 'B' appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that—

- (a) the lands measuring 61.428 hectares (approximately) or 151.78 acres (approximately) as described in the Schedule 'A', and
- (b) the right in the lands measuring 42.178 hectares (approximately) or 104.22 acres (approximately) as described in the Schedule 'B' are hereby acquired.

The Plan bearing No:SECL/BSP/GM(PLG)/Land/245 dated the 11th January, 2001 of the area covered by this notification may be inspected in the Office of the Collector, Shahdol (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the South Eastern Coalfields Limited (Revenue Section) Seepat Road, Bilaspur-495006 (Chhattisgarh).

SCHEDULE-'A'

BAKHI PROJECT

SOHAGPUR AREA

DISTRICT SHAHDOL (MADHYA PRADESH)

ALL RIGHTS

Sl. No.	Name of Village	Patwari Halka Number	Tahsil	District	Area in hectares	Remarks
1.	Bakhi	47	Anuppur	Shahdol	61.428	Part
TOTAL : 61.428 Hectares (approximately) OR 151.78 Acres (approximately)						

1. Plot numbers acquired in village Bakhi (Part)

1560, 1561, 1563, 1564, 1565, 1566 (Part), 1568, 1574 (Part), 1575 to 1594, 1621 to 1631, 1632 (Part), 1641 (Part), 1662 to 1711, 1590/1724.

BOUNDARY DESCRIPTION

- A—B** Line start from point 'A' in village Bakhi and passes along the northern boundary of plot numbers 1663, Western boundary of plot numbers 1664, 1665, through plot number 1641, Western boundary of plot number 1641, then through plot number 1632 Western boundary of plot numbers 1632, 1621, 1623, 1589, 1592, 1593, 1594, through plot number 1574, Western boundary of plot number 1568 and meet at point 'B'.
- B—C** Line passes along northern boundary of plot numbers 1568, 1574, through plot number 1566, then northern boundary of plot number 1564 and meet at point 'C'.
- C—D—E** Line passes along the eastern boundary of plot numbers 1564, 1563, northern boundary of plot numbers 1561, 1560, 1585 and Eastern boundary of plot number 1585 and meet at point 'E'.
- E—F—A** Line passes along the Southern boundary of plot numbers 1585, 1701, 1702, 1703, 1704, 1705, 1711, Eastern boundary of plot numbers 1710, 1679, Southern boundary of plot number 1679, Western boundary of plot number 1679, Southern boundary of plot numbers 1663, 1662, 1663, Western boundary of plot number 1663 of village Bakhi and meet at the starting point 'A'.

SCHEDULE—'B'

BAKHI PROJECT

SOHAGPUR AREA

DISTRICT—SHAHDOL (MADHYA PRADESH)

MINING RIGHTS

Sl. No.	Name of Village	Patwari Halka Number	Tahsil	District	Area in Hectares	Remarks
1	Bakhi	47	Anuppur	Shahdol	42.178	Part

TOTAL : 42.178 Hectres (approximately) OR 104.22 Acres (approximately)

1 Plot numbers acquired in Village Bakhi (Part)

1179 to 1181, 1184 to 1187, 1190, 1191 (Part), 1192 (Part), 1193 (Part), 1194, 1195 (Part), 1199 (Part), 1201/(Part), 1202 to 1207, 1208 (Part), 1209 (Part), 1210 (Part), 1295 (Part), 1296 (Part), 1297 (Part), 1298, 1299 (Part), 1300 (Part), 1302 (Part), 1303 (Part), 1305 (Part), 1308 (Part), 1321 (Part), 1322, 1444 (Part), 1445 to 1467, 1468 (Part), 1469, 1470, 1471 (Part), 1473 (Part), 1474 to 1537, 1566 (Part), 1567, 1569 to 1573, 1574 (Part), 1595 to 1620, 1632 (Part), 1633 to 1637, 1639, 1640, 1641 (Part), 1445/1722, 1530/1723, 1605/1730

BOUNDARY DESCRIPTION

A—B	Line start from point 'A' in village Bakhi and passes as described in All right area boundary and meets at point 'B'
B—C	Line passes along as described in all right area boundary and meets at point 'C'
C—C1	Line passes along the eastern boundary of plot numbers 1535, 1536, 1357, 1528, 1526, 1525, 1524, 1179, 1181, 1184, 1187, 1190, 1191 and meets at point 'C1'
C1—C2	Line passes through plot numbers 1191, 1192, 1193, 1195, 1199, 1201, 1209, 1208, 1210, 1296, 1295, 1297, 1299, 1300, 1302, 1303, 1305, 1308, 1321, 1473, 1471, 1468, 1444, and meets at point 'C2'.
C2—A	Lines passes along the Western boundary of plot numbers 1444, 1446, 1570, 1571, 1730, 1637, 1610, 1636, 1635, 1634, 1633, 1641, then Southern Boundary of plot number 1641, and meet at the starting point 'A'.

[No.43015/11/98-PRIW]

SANJAY BHADUR, Dy. Secy.

आदेश

नई दिल्ली, 1 अगस्त, 2001

का.आ. 1972.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) के अधीन 1350.00 एकड़ (लगभग) या 546.32 हेक्टेयर (लगभग) क्षेत्र के संबंध में जारी भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.आ. 222 तारीख 14 जनवरी, 1986 के प्रकाशन पर जो भारत के राजपत्र तारीख 25 जनवरी, 1986 को प्रकाशित की गई थी, उक्त अधिसूचना से उपाबद्ध उक्त अनुसूची में वर्णित भूमि, उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन सभी विलगनों से रहित पूर्णतया केन्द्रीय सरकार में निहित हो गई है।

केन्द्रीय सरकार का यह समाधान हो गया है कि सैन्ट्रल कोलफील्ड्स लिमिटेड, रांची एक सरकारी कंपनी (जिसे इसमें इसके पश्चात् उक्त कंपनी कहा गया है) उन सब

निबंधनों और शर्तों का पालन करने की इच्छुक है जो केन्द्रीय सरकार इसे निहित अधिरोपित करना ठीक समझे।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए निदेश देती है कि इस प्रकार निहित भूमि और अधिकार 25 जनवरी, 1986 से, केन्द्रीय सरकार में इस प्रकार निहित रहने की बजाए निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए उक्त कंपनी में निहित होंगे, अर्थात् :—

- (1) उक्त कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर ब्याज, नुकसानी आदि की बाबत किए गए सभी संवादों के लिए केन्द्रीय सरकार की प्रतिपूर्ति करेगी।
- (2) शर्त (1) के अधीन उक्त कंपनी द्वारा केन्द्रीय सरकार को संवेद्य रकमों का अवधारण करने के प्रयोजनार्थ एक अधिकरण गठित किया जाएगा और उक्त अधिकरण की सहायता के लिए निम्न

सभी व्यक्ति उक्त कंपनी के होंगे तथा इसी प्रकार, निहित भूमि में या पर के अधिकारों के लिए क्या उनके संबंध में सभी विधिक कार्यवाहियों जैसे कि अपीलों आदि की बाबत उपगत सभी व्यय भी उक्त कंपनी द्वारा वहन किए जाएंगे।

- (3) उक्त कंपनी को, जो इस प्रकार निहित भूमि में या पर किन्ही अधिकारों या किन्ही कार्यवाहियों के संबंध में आवश्यक समझा जाने वाले किसी अन्य व्यय के लिए केन्द्रीय सरकार या उसके अधिकारियों की क्षतिपूर्ति करेगी।
- (4) उक्त कंपनी को उक्त अधिभूखानों की अनुसूची में विनिर्दिष्ट भूमि को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी।
- (5) उक्त कंपनी, जब कभी आवश्यक हो, केन्द्रीय सरकार द्वारा विशेष क्षेत्रों के संबंध में दिए गए निर्देशों या अधिरोपित शर्तों का पालन करेगी।

[फा. सं. 19/33/83/सीएल/सीए/पीआरआईडब्ल्यू]

संजय बहादुर, उप सचिव

ORDER

New Delhi, the 1st August, 2001

S. O. 1972.—Whereas on the publication of the notification of the Government of India in the Ministry of Energy, (Department of Coal) number S. O. 222 dated the 14th January 1986, for an area of 1350.00 acres (approx.) or 546.32 hectares (approx.), issued under Sub-section (i) of Section 9 of the Coal Bearing Areas (Acquisition and Development Act, 1957 (20 of 1957) and published in the Gazette of India dated the 25th January, 1986, the land described in the said schedule appended to the notification vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act.

And whereas the Central Government is satisfied that the Central Coalfields Limited, Ranchi, a Government Company, (hereinafter referred to as the said company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf ;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 11 of the said Act, the Central Government hereby directs that the lands and rights so vested shall, with effect from

the 25th January, 1986 instead of continuing to so vest in the Central Government, shall vest in the said company, subject to the following term and conditions namely :—

- (1) The said Company, shall reimburse the Central Government all payments made in respect of compensation, interest, damages etc., as determined under the provisions of the said Act.
- (2) A tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said company under conditions (1) and all persons appointed to assist the Tribunal shall be borne by the said company, and, similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc., for or in connection with the rights in or over the lands, so vesting, shall also be borne by the said Company.
- (3) The said Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or rights or in over the lands so vesting.
- (4) The said Company, shall have no powers to transfer the lands specified in the schedule to the said notifications to any other person without the previous approval of the Central Government.
- (5) The said Company shall abide by such directions and conditions, as may be given or imposed by the Central Government for particular areas, as and when necessary.

[No. 19/33/83/CL/CA/PRIW]

SANJAY BAHADUR, Dy. Secy.

मुद्रित पत्र

नई दिल्ली, 1 अगस्त, 2001

का.आ. 1973— भारत सरकार के राजपत्र तारीख 20-3-2001 के भाग II, खंड 3, उप खण्ड (ii) में पृष्ठ संख्या 1315 से 1318 पर प्रकाशित का.आ. 6

तारीख 31-3-2001 पर कुछ त्रुटियाँ पाई गई हैं जिसे निम्न प्रकार पढ़ें :—

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

पृष्ठ संख्या 1315 के 24वें पंक्ति पर

नई दिल्ली, 19 जुलाई, 2001

उपायुक्त छतरा के स्थान पर उपायुक्त, चतरा पढ़ें ।

अनुसूची के तीसरे पंक्ति पर

जिला छतरा के स्थान पर जिला चतरा पढ़ें ।

ग्राम वाली पंक्ति के क्रम संख्या 2 पर

सरधू के स्थान पर सराहू पढ़ें ।

क्रम संख्या 3 पर

मसिलौग के स्थान पर मासीलौग पढ़ें ।

क्रम संख्या 4 पर

रहम के स्थान पर राहम पढ़ें ।

थाना के पंक्ति में

तण्डवा एवं बालुमठ के स्थान पर टण्डवा एवं बालुमाय पढ़ें ।

जिला के पंक्ति में

छतरा के स्थान पर चतरा पढ़ें ।

पृष्ठ संख्या 1316 के सीमा वर्णन पर

क—ख रेखा "क" से प्रारम्भ होती है, सरधू, कुण्डी के स्थान पर रेखा "क" से प्रारम्भ होती है, सराहू, कुण्डी पढ़ें ।

ख—ग रेखा फुलवरिया से होते हुए चतरा के स्थान पर रेखा फुलवरिया से होते हुए चतरा पढ़ें ।

घ—ङ रेखा चमातु, सरधू और रहम के स्थान पर रेखा चमातु, सराहू और राहम पढ़ें ।

ङ—च रेखा रहम, मसिलौग के स्थान पर रेखा राहम, मासीलौग पढ़ें ।

च—छ रेखा मसिलौग और सरधू के स्थान पर रेखा मासीलौग और सराहू पढ़ें ।

छ—ज रेखा सरधू गांव से होकर के स्थान पर रेखा सराहू गांव से होकर पढ़ें ।

ज—झ रेखा सरधू और चमातु के स्थान पर रेखा सराहू और चमातु पढ़ें ।

घ—क रेखा कुण्डी और सरधू के स्थान पर रेखा कुण्डी और सराहू पढ़ें ।

का.आ. 1974—केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के अनुसरण में भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का.आ. 138 में एतद्द्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, "धारा-3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित" शीर्षक के अन्तर्गत निम्नलिखित क्रमांक और विश्वविद्यालयों के नाम हटा दिया जाये :-

- 8 ग्रान्ध विश्वविद्यालय
12. उस्मानिया विश्वविद्यालय
20. मैसूर विश्वविद्यालय
28. पजाबी विश्वविद्यालय
41. बंगलौर विश्वविद्यालय
45. गुरु ज्ञानक देव विश्वविद्यालय
57. नागार्जुन विश्वविद्यालय
60. मंगलौर विश्वविद्यालय
62. भारतीदासन विश्वविद्यालय

[सं० वी. 11013/1/2000—एम.ई. (यू.जी.)]

पी. जी. कलाधरण, अवर सचिव

टिप्पण : मूल अधिसूचना दिनांक 9 जनवरी, 1960 के का. आ. संख्या 138 के अन्तर्गत भारत के राजपत्र में प्रकाशित की गई थी ।

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 19th July, 2001

[फा. सं. 43015/24/2000—पी. आर. आई. डब्ल्यू]

संजय बहादुर, उप सचिव

S.O. 1974.—In pursuance of clause (b) of sub-section(1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Govern-

ment hereby makes the following amendment in the notification of Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely —

In the said Notification, under the heading, 'Elect-ed under clause (b) of sub-section (f) of section 3', the following serial numbers and the names of the Universities shall be omitted :—

- '8. Andhra University
- 12. Osmania University
- 20. Mysore University
- 28. Punjabi University
- 41. Bangalore University
- 45. Guru Nanak Dev University
- 57. Nagarajuna University
- 60. Mangalore University
- 62. Bharthidasan University'

[No. V-11013/1/2000-ME(UG)]

P.G. KALADHARAN, Under Secy.

Note :—The Principal notification was published in the Gazette of India vide S.O. numero 138, dated 9th January, 1960.

नई दिल्ली, 27 जुलाई, 2001

का आ 1975—दत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (4) के खड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार भारतीय दत चिकित्सा परिषद् से परामर्श करके उक्त अधिनियम की अनुसूची के भाग III में एतद्द्वारा निम्नलिखित और सशोधन करती है। अर्थात् —

उक्त अनुसूची के भाग III में क्रम संख्या 79 और उसमें संबंधित प्रविष्टियों के पालन नि लिखित क्रम संख्या

और प्रविष्टिया जोड़ी जाएगी, अर्थात् —

80	स्मोलेत्स्क स्टेट मेडिकल एकेडमी, रशिया	चिकित्सा (स्टोमेटो-लॉजी) में पाच वर्षीय डिप्लोमा उपर्युक्त अर्हता तब एक मान्यता प्राप्त दत चिकित्सा अर्हता होगी यदि यह 26-6-97 का अध्यावा उसके बाद प्रदान की गई हो।	चिकित्सा (स्टोमे-टोलॉजी) में डिप्लोमा, स्मोलेत्स्क स्टेट मेडिकल एकेडमी, रशिया
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[संख्या वी-12018/2/2000-पी एम एस]

एम के राव, निदेशक (एम ई)

New Delhi, the 27th July, 2001

S.O.1975—In exercise of the powers conferred by clause (b) sub-section (4) of section 10 of the Dentists Act 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendment in Part-III of the Schedule to the said Act namely :—

In Part-III of the said Schedule after serial number 79 and the entries relating thereto, the following serial number and entries will be added namely :—

80. Smolensk State Medical Academy, Russia	Five years diploma in Medicine (Stomatology)	Diploma in Medicine (Stomatology), Smolensk State Medical Academy, Russia.
	The above qualification will be a recognized dental qualification when granted on or after 26-6-97.	

[No.V-12018/2/2000-PMS]

S. K. RAO, Director (ME)

नागर विमानन मंत्रालय

नई दिल्ली, 27 जुलाई, 2001

का.आ.1976:—इस मंत्रालय की दिनांक 6 दिसम्बर, 1997 की पिछली अधिसूचना संख्या ई-11011/8/95—हिन्दी के अधि-क्रमण में, जिसके अधीन एयर एलाइंस के निगमित कार्यालय और प्रचालन कार्यालय को अधिसूचित किया गया था। अब यह सूचित किया जाता है कि एलाइंस एयर के निगमित कार्यालय को प्रचालन कार्यालय एक हो गए हैं और अब यह एलाइंस एयर मुख्यालय के रूप में जाना जाता है। तदनुसार केन्द्रीय सरकार, राजभाषा (संघ के भासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में नागर विमानन मंत्रालय के नियंत्रणाधीन एलाइंस एयर, अंतर्देशीय आगमन कक्ष, प्रथम तल, इंदिरा गांधी अन्तरराष्ट्रीय एयर-पोर्ट, नई दिल्ली-110037 के कार्यालय को, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[संख्या ई-11011/01/2000—हिन्दी]

चन्द्र भान नारनौली, निदेशक (राजभाषा)

MINISTRY OF CIVIL AVIATION

New Delhi, the 27th July, 2001

S.O.1976.—In supersession of Notification No. E-11011/8/96-Hindi dated 6-12-1997 under which offices of Corporate & Operation of Alliance Air had been notified. Further, it is intimated that Corporate office and Operational office of Alliance Air are clubbed as Alliance Air Head Quarter. Accordingly, in pursuance of Sub-rule (4) of Rule 10 of the Official Languages (Use for the Official Purposes of the Union) Rule, 1976 the Central Government, hereby notifies Alliance Air, Domestic Arrival Hall, 1st Floor, Indira Gandhi International Airport, New Delhi of Ministry of Civil Aviation, where of, more than 80% staff have acquired the working knowledge of Hindi.

[No. E.-11011/01/2000-Hindi]

C. B. NARNAULI, Director (OL)

विद्युत मंत्रालय

नई दिल्ली, 26 जुलाई, 2001

का.आ.1977—भारतीय विद्युत अधिनियम, 1910 (1910 का 9) की धारा-36 की उपधारा 1 के अनुसरण में केन्द्र सरकार श्री ए. वर्गीज, मुख्य अभियंता, केन्द्रीय विद्युत प्राधि-करण (के.वि.प्रा) को श्री एस. संथानम जो के.वि.प्रा. से मुख्य

अभियंता एवं वैद्युत निरीक्षक के रूप में सेवानिवृत्त हो चुके हैं, के स्थान पर 11-6-2001 से वैद्युत निरीक्षक के रूप में नियुक्त करती है।

[फा. सं. 42/4/2001—आर एण्ड आर]

प्रजय शंकर, संयुक्त सचिव

MINISTRY OF POWER

New Delhi, the 26th July, 2001

S.O.1977.—In pursuance of sub-section 1 of section 36 of the Indian Electricity Act, 1910 (9 of 1910), the Central Government is pleased to nominate Shri A. Verghese, Chief Engineer, Central Electricity Authority (CEA) as Electrical Inspector (CEA w.e.f. 11-6-2001 vice Shri S. Santhanam who has since retired on superannuation as Chief Engineer and Electrical Inspector, CEA.

[F. No. 42/4/2001-R&R]

AJAY SHANKAR, Jt. Secy.

इस्पात मंत्रालय

नई दिल्ली, 30 जुलाई, 2001

का.आ.1978—राजभाषा (संघ के भासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 (यथा संशोधित, 1987) के नियम-10 के उप नियम (4) के अनुसरण में केन्द्रीय सरकार एतद्वारा इस्पात मंत्रालय के प्रशासनिक नियंत्रणाधीन स्टील अथॉरिटी ऑफ इण्डिया लिमिटेड, राँ मैटिरियल्स डिवीजन, इडस्ट्री हाउस, 10 कैमेक स्ट्रीट, कोलकाता-700017 जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. ई.-11011/6/2001—हिन्दी]

अनीता प्रवीण, उप सचिव

MINISTRY OF STEEL

New Delhi, the 30th July, 2001

S.O. 1978.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purpose of the Union) Rules, 1976 (as amended, 1987) the Central Government hereby notifies the Steel Authority of India Limited, Raw Material Division, Industry House, 10, Camac Street, Kolkata-700017 under the administrative control of Ministry of Steel, where more than 80 per cent staff have acquired working knowledge of Hindi.

[No. E-11011/6/2001-HINDI]

ANITA PARVEEN, Dy. Secy.

गहरी विकास और गरीबी उपशमन मंत्रालय.

(दिल्ली प्रभाग)

नई दिल्ली, 1 अगस्त, 2001

का.प्रा.1979.—दिल्ली विकास अधिनियम, 1957 (1957 का 61) के खंड-3 के उपखंड 3 की धारा (छ) के साथ पठित उप खंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा श्री के. टी. गुरुमुखी, अपर मुख्य नियोजक, नगर तथा ग्राम नियोजन संगठन को दिल्ली विकास प्राधिकरण का सदस्य नामित करती है और भारत सरकार स्वास्थ्य मंत्रालय की सं. 12-173/57-एलएसजी दिनांक 30-12-1957 की अधिसूचना में निम्नलिखित संशोधन करती है, नामतः:

“मद सं. 10-क में, प्रविष्टि “श्री डी. एल. मेशराम, मुख्य नियोजक, नगर तथा ग्राम नियोजन संगठन” के बदले निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, नामतः: “श्री के. टी. गुरुमुखी, अपर मुख्य नियोजक, नगर तथा ग्राम नियोजन संगठन”

[सं. के-11011/20/97-डीडीआईए]

वी. के. मिश्रा, अपर सचिव

MINISTRY OF URBAN DEVELOPMENT & POVERTY ALLEVIATION

(Delhi Division)

New Delhi, the 1st August, 2001

S.O. 1979.—In exercise of the powers conferred by sub-section (1), read with clause (g) of sub-section (3), of Section 3 of the Delhi Development Act, 1957 (61 of 1957), the Central Government hereby nominates Shri K. T. Gurumukhi, Additional Chief Planner who is holding the charge of the post of Chief Planner in the Town & Country Planning Organisation, as Member of Delhi Development Authority vice D. S. Meshram and makes the following amendments in the notification of the Government of India, Ministry of Health No. 12-173/57-LSG dated 30-12-1957, namely:—

“In item No. 10(A), for the entry “Shri D. S. Meshram, Chief Planner, Town & Country Planning Organization”, the following entry shall be substituted, namely, “Shri K. T. Gurumukhi, Additional Chief Planner, Town & Country Planning Organization.”

[No. K-11011/20/97-DDIA]

V. K. MISRA, Under Secy.

(संपदा निदेशालय)

नई दिल्ली, 6 अगस्त, 2001

का.प्रा.1980.—लोक परिसर (अनधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (वर्ष 1971 का 40 वां) के खंड-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार निम्नलिखित तालिका के कालम (1) में वर्णित अधिकारियों को सरकार के राजपत्रित अधिकारी होने के नाते कथित अधिनियम के प्रयोजन हेतु एतद्वारा संपदा अधिकारी नियुक्त करती है। ये अधिकारी कथित तालिका के कालम 2 में विनिर्दिष्ट लोक परिसरों के संबंध में अपने संबंधित क्षेत्राधिकार की स्थानीय सीमाओं के भीतर कथित अधिनियम द्वारा अथवा

उसके तहत संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करने और उनके लिए निर्धारित इयूटियों का निर्वहण करेगे।

तालिका

अधिकारियों का पदनाम	लोक परिसरों की क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)
1. कार्यपालक इंजीनियर, कानपुर केन्द्रीय मंडल, केन्द्रीय लोक निर्माण विभाग, कानपुर	कानपुर में केन्द्र सरकार के स्वामित्व के अथवा उसके नियंत्रणाधीन सभी सामान्य पूल आवास
2. सहायक इंजीनियर, कानपुर केन्द्रीय उप-मंडल-II, कानपुर	कानपुर में केन्द्र सरकार के स्वामित्व के अथवा उसके नियंत्रणाधीन सभी सामान्य पूल आवास

[फाइल सं. 21012/2/99-नीति-I]

दर्शन लाल, संपदा उप निदेशक

(Directorate of Estates)

New Delhi, the 6th August, 2001

S. O. 1980.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being Gazetted officers of Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed on the estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officers	Category of Public Premises and local limits of jurisdiction
(1)	(2)
1. Executive Engineer, Kanpur Central Division, Central Public Works Department, Kanpur	All General Pool accommodation owned or controlled by Central Government at Kanpur
2. Assistant Engineer, Kanpur Central Sub-Division II, Kanpur	All General Pool accommodation owned or controlled by Central Government at Kanpur

[File No. 21012/2/99-Pol. I]

DARSHAN LAL, Deputy Director of Estates

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 3 अगस्त, 2001

का. आ. 1981.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जिला सूरत, तालुका चौरासी में ग्राम सुवालि से ग्राम मोरा तक प्राकृतिक गैस के परिवहन के लिए गुजरात स्टेट पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग का अधिकार अर्जित करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार के अर्जन या भूमि के नीचे पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, गुजरात स्टेट पेट्रोलियम कॉर्पोरेशन लिमिटेड, ब्लाक नं. 15, दूसरी मंजिल, उद्योग भवन, सेक्टर नं. 11, गांधीनगर-382 011, गुजरात को कर सकेगा ।

अनुसूची

जिल्हा : सूरत				राज्य : गुजरात			
तालुका का नाम	गाँव का नाम	सर्वेक्षण स. / खण्ड स.	उप-खण्ड सं	क्षेत्रफल			
				हेक्टर	एयर	वर्ग मीटर	
1	2	3	4	5	6	7	
चौरासि	सुवालि	498	पै	00	70	80	
		446	अ	00	42	77	
	मोरा	230	233	1	00	04	51
			231		00	34	54
		148	अ/पै	03	14	02	
		263		00	48	03	
		150		00	31	73	
		151	2	00	00	46	
		151	3	00	27	98	
		157		00	20	00	
		158		00	05	25	
		163		00	12	30	
		174	अ	00	18	15	
		171	•	00	12	45	
		170	1	00	17	25	
		169		00	20	10	
		168		00	06	07	
		174	अ/पै	00	08	27	

[फा. सं. एल. 14014/4/99-जी पी (भाग-III)]

स्वामी सिंह, निदेशक

Ministry of Petroleum and Natural Gas

New Delhi, the 3rd August, 2001

S. O. 1981.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas in the State of Gujarat in District Surat, Taluka Chourasi, Village Suvali to Village Mora pipelines should be laid by the Gujarat State Petroleum Corporation.

And whereas, for purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the lands described in the said Schedule may within twenty-one days from the date of which the copies of the notification, as published in the official Gazette, are made available to the general public object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to The Competent Authority, Gujarat State Petroleum Corporation Limited, Block No. 15, 2nd Floor, Udyog Bhavan, Sector No.11, Gandhinagar-382 011, Gujarat.

Schedule-

District : Surat				State : Gujarat			
Name of Taluka	Name of Village	Survey/Block No.	Sub-Division no.	Area			
				Hec	Are	Centiare	
1	2	3		4	5	6	
Chourasi	Suvali	498	P	00	70	80	
		446	A	00	42	77	
	Mora	1	230		01	60	38
			233		00	04	51
			231		00	34	54
		A/P	148		03	14	02
			263		00	48	03
			150		00	31	73
		2	151		00	00	46
			151		00	27	98
		A	157		00	20	00
			158		00	05	25
			163		00	12	30
			174		00	18	15
			171		00	12	45
			170		00	17	25
			169		00	20	10
		A/P	168		00	06	07
			174		00	08	27

[File No. L. 14014/4/99 GP (Part-III)]
SWAMI SINGH, Director

श्रम मंत्रालय

नई दिल्ली, 12 जुलाई, 2001

का.भा. 1982.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इश्यूरेन्स कं. लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-7-2001 को प्राप्त हुआ था।

[सं. एल-17012/36/95-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 12th July, 2001

S.O. 1982.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Co. Ltd. and their workman, which was received by the Central Government on 12-7-2001.

[No. L-17012/36/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 10 of 1997

PARTIES:

Employers in relation to the management of National Insurance Company Limited.

AND

Their workman

PRESENT:

Mr. Justice Bharat Prasad Sharma, Presiding Officer.

APPEARANCE:

On behalf of Management: Mr. D. K. Ghosh, Advocate with Mr. R. De, Advocate.

On behalf of Workman: Mr. R. K. De, Advocate with Ms. M. Sarkar, Advocate.

STATE: West Bengal

INDUSTRY: Insurance

AWARD

By Order No. L-17012/36/95-IR(B-II) dated 04-03-1997 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of National Insurance Co. Ltd. in terminating the services of Sh. Prabir Kr. Dhar, Ex-pump operator on and from 20-8-1992 without following the provisions of Section 25F of the I.D. Act, 1947 is justified? If not, to what relief is the said workman entitled?"

2. The present reference has been initiated on the dispute raised by the workman, Shri Prabir Kumar Dhar regarding his termination of service by the National Insurance Co. Ltd. (in short the Company) in improper and illegal manner without following the provisions of Section 25F of the Industrial Disputes Act, 1947 on 20th August, 1992. According to the case of the workman he was engaged alongwith five others

by the Company for supplying water by running the pumps at the building known as Royal Insurance Building at Netaji Subhas Road, Calcutta. There are several offices in the building and huge number of employees work in the building. Because of shortage of water in the building, the said workman alongwith five others were engaged to operate the pumps. The workmen were required to maintain the pumps by checking it from time to time and the electrical installations were checked by one Ranjit Kr. Dey, Electrician or temporary electrician Sanjay Kr. Dey. He also named the other five operators, including one Supervisor cum Assistant. According to him salaries were being paid to these workmen by the Company on monthly basis through one Pranab Kr. Dhar who used to draw lumpsum amount from the Company by A/c Payee cheques and disbursed the cash to these workmen. The workman concerned and others also used to sign the register in token of receipt of the salaries. Attendance Register was also maintained through the said Pranab Kr. Dhar. It is stated that the Company did not engage any contractor in terms of the Contract Labour (Regulation and Abolition) Act, but Pranab Kr. Dhar was engaged as middleman for recruit and appoint workmen to avoid various provisions of laws, rules and regulations, which according to the workman was unconstitutional and an instance of unfair labour practice. No tender was invited for engaging any contractor, nor the contractor was appointed, but the workman concerned and the others were engaged for doing the work for the Company and therefore they should have been treated as direct employees of the Company. Accordingly, it has been asserted on behalf of the workman that he happens to be a workman under the definition of Section 2 of the Industrial Disputes Act and he also claimed that he should be treated as a workman in terms of Section 25B of the said Act. According to him some permanent employees were also engaged temporarily in similar manner but their services were later regularised, but so far as the case of the concerned workman was concerned, it was not regularised by the Company inspite of prayers. According to him the work was of perennial nature and he had worked for a pretty long time, therefore, his sudden removal was illegal and it should be struck down and the workman should be ordered to be reinstated with consequential benefits.

3. The Company also filed written statement stating therein that first of all the reference itself is not maintainable for the reason that there does not exist any relationship of employer and employee between the Company and the concerned workman. It has further been stated that the statements made by the workman in his statement of claims are all incorrect and concocted. It has been denied that the said workman was ever engaged by the Company for operating water electric pump and other related jobs. It has been stated that so far as the water supply and related jobs are concerned, there are personnel employed by the Company and so far as the requirements of checking of motors and pumps are concerned, there are specified personnel to look after the same. Similarly, the checking of electrical installations and supply lines are also done by the personnel of the Company. It has further been stated that the workman concerned happened to be an employee of M/s. Pranab Kr. Dhar who was an agent and the workman has incorrectly claimed himself an employee of the Company. Therefore, it has been categorically denied that he was ever engaged by the National Insurance Co Ltd. It has been denied that the Company either appointed the said workman or controlled and supervised his work and the Company also did not make any payment to him and no attendance register was ever maintained by the Company in so far as the concerned workman and other persons are concerned. Accordingly, all the allegations made in the statement of claims have been denied parawise and it has been stated that the workman concerned is not entitled to any relief claimed by him.

4. However, both the parties have filed some documents and examined witnesses also Two witnesses have been examined on behalf of the workman WW-1, Prabir Kr Dhar happens to be the workman concerned. He has stated that he was appointed as Pump Operator in the Company and had worked continuously from 17-05-1991 to 19-08-1992, the total period of service being 460 days. However, he has added that he was appointed by Pranab Kr. Dhar who happens to be his elder brother. According to him Pranab Kr. Dhar was not an employee of the Company and he used to do pump repairing works of the Company as and when required. He also claimed that he used to sign attendance register. He also stated that Pranab Kr. Dhar never supervised his work, but he used to pay his salary. According to him one Arun

Dutta used to supervise his work on behalf of the management and he used to work in two shifts. According to him he used to get Rs. 350 per month as salary and Pranab Kr. Dhar used to disburse the amount after receiving the same from the management. According to him the work was of permanent nature. He also further stated that he applied for regularisation of his service in the Company and he has prayed for his reinstatement with consequential benefits. In his cross-examination, he has stated that he did not receive any appointment letter and the attendance register used to be maintained by one Indrajit Chattopadhyay, who was also appointed by Pranab Kr. Dhar like him. According to him his salary register was also maintained by this very person. He has also stated that he has no knowledge as to what was the relationship between Pranab Kr. Dhar and the Company. In his cross-examination he has clearly admitted that the registers produced by him in no way suggest that he had worked for the Company. Accordingly, it is suggested to him that he was neither ever appointed by the Company, nor there was any relationship of employer and employee between the Company and him. It has also been suggested that his work was never supervised by Arun Kr. Dutta.

The second witness WW-2 is Arun Kr. Dutta whose name transpired in the evidence of WW-1. He has stated that he happens to be an ex-employee of the Company and he has since retired where he was an Administrative Officer. He stated that in 1991-1992 he was working as Administrative Officer in the Company and according to him the concerned workman was working under him in Division-IV as Pump Operator from May, 1991 to August, 1992 and that he had worked for more than 400 days. He also stated that Mr. P. K. Shaw, Senior Divisional Manager of the Company appointed him as Pump Operator. He has also stated that due to certain exigencies the Company had appointed these Pump Operators and had also appointed one Pranab Kr. Dhar as contractor to restore water supply which was in very bad shape at that time. According to him Pump Operators working in two shifts and the work was of perennial nature. He further stated that these six persons including the concerned workman were brought by Pranab Kr. Dhar who used to perform sundry works of the Company at the behest of the Company and that he had no licence as a contractor. He further stated that the management used to pay salary to the six Pump Operators by issuing cheques in favour of Pranab Kr. Dhar who used to disburse the same among these workers. He also further stated that the salary register and the attendance register were maintained by Indrajit Chatterjee one of the Pump Operators who was also appointed as supervisor of the Pump Operators. He has stated that these persons used to work for the Company. In his cross-examination he has stated that no appointment letter was handed over to any of these persons and he has rather no idea as to whether any appointment letter was ever issued at all. He has also expressed his ignorance about the Company issuing any letter to Pranab Kr. Dhar directing him to appoint six persons as Pump Operators. He has stated that Pranab Kr. Dhar had worked as a Middleman. He has further admitted that the said Pranab Kr. Dhar had no authority to appoint any person for the management and therefore it has been suggested to him that actually there was no relationship of master and servant between the management and the concerned workman.

5. An interesting aspect of the matter is that after the workman closed his case and the management was called upon to examine its witnesses, a witness was produced on 16-02-2001, but no one appeared on behalf of the workman on that date and the witness was discharged without cross-examination. This witness, MW-1, Pahari Chand Shaw happens to be an employee of the Company who happened to be the Senior Divisional Manager of the Company at Calcutta from 14-10-1991 to 25-06-1995. He has denied that Prabir Kr. Dhar was ever employed as Pump Operator by the Company during that period. So, there was no relationship of employer and employee between the Company and Prabir Kr. Dhar. He stated that Prabir Kr. Dhar never did anything for the Company as claimed by him. He also stated that the said workman never signed any attendance register and also denied that his work was ever supervised on behalf of the Company. He has clearly stated that it is incorrect that he had employed Prabir Kr. Dhar as Pump Operator as a Divisional Manager and he has denied that the Company had engaged any person, including Prabir Kr. Dhar as Pump Operators. He has stated that Pranab Kr. Dhar actually happened to be a petty contractor under the Company and he never engaged

more than 10 persons at any point of time. He has also further stated that the method of recruitment of Class-IV employees in the Company is that the posts are notified to the Employment Exchange. He also stated that the salaries of the employees of the Company are paid by the Accounts Department. Accounts Department receives information from the Personnel Department and accordingly bills are prepared and the salaries are paid. He has denied that any salary was paid to the concerned workman and others by the Company and has also denied that these persons ever worked for the Company. He has stated that in fact Pranab Kr. Dhar was entrusted to operate the pumps and it was his duty to get it operated and he actually made payments also. So, no direct payment was made by the Company to any such workman. He has also denied that Pranab Kr. Dhar was a middleman between the Company and the concerned persons and has also denied that the concerned workman was paid Rs. 350 per month as salary by the Company. He also produced and proved some papers, marked Exts. M-1 and M-2.

6. So far as the documents are concerned, Ext. W-1 is the attendance register. But, so far as this register is concerned, it has been admitted by the workman himself that it was not maintained by any officer or staff of the Company. Rather, it was maintained by one of the persons employed by Pranab Kr. Dhar like the concerned workman. So far as the Ext. W-2 is concerned, it is the salary register which was also admittedly being maintained by one of the persons engaged by Pranab Kr. Dhar brother of the concerned workman. Though the workman concerned has claimed that he alongwith five other persons were appointed by Pranab Kr. Dhar on behalf of the Company, he could not produce the said Pranab Kr. Dhar for evidence though he happened to be a brother of this workman.

7. On the other hand, some papers have been produced on behalf of the management. Ext. M-1 series are the copies of the bills presented by Pranab Kr. Dhar on a letterhead describing him as Electrical and Mechanical Engineers, Repairers of fans, motors, house wiring and water pump. The bills were presented before the National Insurance Company Ltd. and the bills described the charges as hiring charges of submersible pump motor sets and operating charges. Different charges have been made for different periods and from these bills it does not appear that it had any concern with the payment of salary to any worker engaged on behalf of the Company. Another document which happened to be a letter addressed to the General Manager of the National Insurance Co. Ltd. by the said Pranab Kr. Dhar is Ext. M-2. From this letter it appears that he was given contract of lifting water to the overhead tanks of the Company and he has engaged some workmen for the purpose. He complained through this letter that his contract was cancelled unceremoniously. However, he also stated in this letter that since some of the persons engaged by him had prayed for regularisation, his contract was terminated.

8. Considering all these facts including oral evidence of the parties and the documents, it becomes abundantly clear that the Company had no direct concern with the workman concerned or any other person and it appears that the Company had entrusted the work of lifting water through pump sets to the overhead tanks in the building to Pranab Kr. Dhar and that the payments were being made to Pranab Kr. Dhar for the services. Neither any appointment letter was issued to this workman by the Company, nor his work was ever controlled and supervised by the Company. Therefore, it is difficult to say that any nexus existed between the Company and the workman concerned as employer and employee. It cannot be said that the workman concerned had ever worked on behalf of or for the Company entitling him to regularisation. So far as the allegation regarding the perennial nature of the work is concerned, there is no material to support it. On the other hand, there has been categorical denial of all the allegations by MW-1 on behalf of the Company in this regard and the witness has not even cross-examined and so the entire evidence of MW-1 remains un rebutted. However, it was sought to be contended that there has been violation of the provisions of the Contract Labour (Regulation and Abolition) Act, 1970, but it has been clearly stated by MW-1 that this Pranab Kr. Dhar who used to render services to the Company from time to time had never engaged more than 10 persons at any point of time. Taking such work from a person also cannot be said to be a contract in real sense and therefore there is no application of the Contract Labour (Regulation and Abolition) Act, 1970 in this case. The claim

of the workman that he was illegally removed from service or retrenched does not find support from any material whatsoever on the record. If he was engaged for some work entrusted to his brother, Pranab Kr. Dhar and if the Company did not continue to take the work from Pranab Kr. Dhar, the question of workman concerned continuing to work under the Company did not arise. The Company neither appointed him, nor controlled or supervised his work at any point of time and it is obvious that the Company also did not remove him from service or retrenched him in terms of Section 2(o) of the Industrial Disputes Act, 1947.

9. In the circumstances, there does not appear to be any reason to entertain the claim of the workman for grant of relief to him.

10 Accordingly, this reference is disposed of.

B. P. SHARMA, Presiding Officer

Dated :
Kolkata,
the 27th June, 2001.

नई दिल्ली, 12 जुलाई, 2001

का. अ. 1983.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-7-01 को प्राप्त हुआ था।

[सं एल-12011/85/98-आई धारा (बी-2)]
सी गंगाधरण, अवर सचिव

New Delhi, the 12th July, 2001

S.O. 1983.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Calcutta as shown in the annexure in the Industrial Dispute between the employers in relation to the management of United Bank of India and their workman, which was received by the Central Government on 12-7-2001.

[No. L-12011/85/98-IR(B-II)]
C. GANGADHARAN, Under Secy.
ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT KOLKATA

Reference No. 18 of 1999

PARTIES:

Employers in relation to the management of United Bank of India

AND

Their workmen.

PRESENT .

Mr. Justice Bharat Prasad Sharma, Presiding Officer.

APPEARANCE .

On behalf of Management.—Mr. A. Moitra, Deputy Chief Officer (Law) of the Bank.

On behalf of Workmen.—Mr. R.G. Chatterjee, Executive Committee Member of the Bank Employees' Federation, West Bengal.

STATE : West Bengal.

INDUSTRY : Banking.

AWARD

By Order No. L-12011/85/98/IR(B-II) dated 12-5-1999 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of United Bank of India in withdrawing the scheme for providing special medical aid and leave continuing since 1979 is justified? If not, what relief are the employees entitled?"

2. Earlier this reference was disposed of on account of the absence of the parties inspite of notice by order dated 16-9-1999. But, subsequently the union appeared and filed a petition for recalling the said order of the Award of No Dispute on 22-9-1999. The Tribunal heard the parties in this regard and by order dated 5-11-1999 set aside the said order and matter was restored in its file and number.

3. This dispute has been raised on behalf of the United Bank of India Employees Union on account of the fact that the management of the United Bank of India, hereinafter to be referred as the Bank, decided to withdraw some facilities and benefits, like special medical aid and special leave available to the employees of the Bank on the basis of the order of the year 1979. It appears that the Bank issued a notice under section 9A of the Industrial Disputes Act, 1947 on 6-9-1996 expressing its intention to withdraw the facilities granted to the employees as referred to above. It is stated that the Bank had introduced a scheme in 1979 after due consideration of the humanitarian ground as a welfare measure while the provisions of the bipartite settlement agreed upon between the unions with the I.B.A. were in vogue. The management at the time of introducing the scheme did not contradict or violate any of the provisions of the bipartite settlement, because the said scheme was envisaged to give some benefits to its employees. Apart from the other provisions of the bipartite settlement governing the service conditions of the Award Staff in general, there were schemes in different banks which were formulated as a result of bilateral discussions between the unions and the management in the individual bank. These schemes were not contrary to the provisions and spirit of the bipartite settlement and were inter bank administrative circulars. The said benefits were also being provided to the eligible employees as a welfare measure within the Banks administrative jurisdiction and it could not be termed as demand raised in between the pendency of the bipartite settlement. It has also been stated that actually the benefits or the scheme in question introduced in 1979 were available only to a few employees and only a few employees have also enjoyed the benefits under this scheme. It appears that under this scheme only a person suffering from a serious disease mentioned in the scheme who has/have no leave of any kind left to his credit was entitled to receive the benefits. So, it is obvious that an employee could not pray for benefit of the said scheme unless he became a victim of a very dangerous and fatal disease. It is also further stated that after the notice under section 9A was issued the union wrote to the Bank on 25-9-1996 raising objection to the aforesaid notice, but the union did not receive any reply. Therefore, the union treated it to be arbitrary and negation of humanitarian scheme introduced by the management of the Bank. In this view of the matter, it has been prayed on behalf of the union that the said act of the management in deciding to withdraw the facility available to the employees of the Bank be termed as unjustified and be struck down.

4. The management also filed a written statement to contest the claim of the union. The management stated in its written statement that actually the Bank had formulated a scheme in the year 1979 wherein the following provisions were made :—

(a) The Bank may grant special leave for a maximum period of 360 days to the members of staff who have rendered 15 years' of continuous service, and who may be suffering from any of the following diseases and when leave of all descriptions have been exhausted by such employee :

1. Cancer
2. Tuberculosis
3. Leprosy
4. Coronary attack
5. Cerebral attack

6. Brain Tumour
7. Diabetic Gangrin
8. Paralysis
9. Carobosis of Live
10. Major accident requiring hospitalisation.

- (b) In addition to the leave, such employees may also be granted an additional sum of Rs. 250, to meet the medical expenses when the usual medical aid is exhausted.
- (c) The authority to sanction such leave was vested with the Chairman or at least 3 Dy. General Managers, subject to review by the Board every year.

It is further stated in the bipartite settlement governing the service conditions of the bank employees there was no mention of any such benefit. It is further stated that the Govt. of India from time to time instructed the banks that no additional benefit should be granted to the officers/award staff employees which are outside the purview of the officers service regulations/bipartite settlement without obtaining prior permission of the Government. It is also further stated that paragraph 26(3) of the memorandum of settlement dated 14-2-1995 between the management of A Class Banks, including the United Bank of India and their workmen represented by All India Bank Employees Association, National Confederation of Bank Employees, Bank Employees Federation of India and Indian National Bank Employees Federation it was mentioned that the unions on behalf of their workmen had agreed that during the operation of the settlement the workmen would not raise any demand of any nature whatsoever on any of the banks in respect of matters covered by the memorandum of settlement. It is also further stated that the United Bank of India Employees Union which has raised this dispute was also a signatory to the aforesaid memorandum of settlement. It is also further stated that there is no provision whatsoever in the bipartite settlement for sanction of 360 days special leave to any employee who had rendered 15 years of continuous service and has exhausted all types of leave and is suffering from the diseases listed above. In this view of the matter, the Bank thought it prudent after discussions with the representatives of the unions operating in the Bank to withdraw the scheme and accordingly the notice under section 9A of the I.D. Act was issued. It has been stated on behalf of the management that it denies the contention of the union that the Bank had unilaterally withdrawn the benefits as mentioned in the scheme. It has also been further stated that the allegation of the union is incorrect that the letter of the union dated 25-9-1996 remained unreplyed and it has been stated that actually the reply was sent by a letter dated 3-10-1996. Therefore, it has been submitted on behalf of the Bank that the action of the management should not be held to be arbitrary and improper and it should be held to be justified and the employees be held not entitled to any relief.

5. When the hearing commenced it was agreed upon by both the parties that so far as the facts of the case are concerned, there is no dispute at all because the facts are all admitted. Therefore, the parties decided not to adduce evidence and only arguments were heard on behalf of both the parties.

6. So far as the contention of the management is concerned, it has been stated that because the scheme in question was not covered by the bipartite settlement and because notice has been given under section 9A of the I.D. Act, the action of the management cannot be treated as illegal, improper or arbitrary. However, it has been submitted on behalf of the union that it is true that the scheme under consideration was not covered by the bipartite settlement, but at the same time it also cannot be said that some demand was raised by the union which was outside the subjects covered by the bipartite settlement. It has been contended that the scheme in question was formulated only as a welfare measure to some most deserving employees in dire necessity and it is obvious that the benefits of the scheme have been withdrawn by the management unilaterally only on account of the fact that some instructions were issued by the Govt. of India, Ministry of Finance. Therefore, it has been contended that because the benefits under the scheme were available to the employees since 1979, it had become part of their service

condition and since the monetary implication of the scheme was also not very heavy, there was no justification for withdrawing this scheme which was a welfare measure of the deserving employees.

7. Because all the facts are admitted and since there is no material to show that either the scheme was introduced at the instance of the union or that it was covered by the bipartite settlement of 1975, it cannot be said that it had not become part of the service condition of the employees of the Bank.

8. So far as the two letters said to have been issued by the Government of India are concerned, the same have been filed on behalf of the Bank. One letter is dated 31st May, 1994 and another is dated 7th October, 1996. In both the letters it has been stated that it has been discovered by the Govt. of India that some banks have introduced some schemes for the benefit of the employees outside the purview of the bipartite settlement which effects the revenue and it has been viewed seriously. In the first letter it has been stated that if the bank decides to introduce some scheme it should not be done without the approval of the I.B.A., because it has an implication that similar demands are made by the employees of the other banks also, giving rise to complication. In the second letter it has been stated that the banks are advised to issue standing instruction to all concerned officers that the officers submitting any note, modification or improvement for any of the facilities without intimating the board about the existing guidelines/instructions of the I.B.A. would be held personally accountable and requisite administrative/disciplinary action will be taken against him. It is obvious that because of the two letters the management of the Bank was under pressure to continue with the scheme and accordingly they decided to do away with the scheme and issued the notice under section 9A.

9. On behalf of the Bank it has been submitted that the decision has not been taken in arbitrary manner and the requisite notice under section 9A of the I.D. Act had been given and therefore the action of the Bank cannot be termed as illegal. But, it has been submitted on behalf of the union that though the notice under section 9A of the Act had been given, the very action of withdrawing the facilities available to the deserving employees appears to be unjust, improper and arbitrary. It has been contended that the benefits which accrued to the deserving employees in the year 1979 could not have been withdrawn in this manner in 1996 without discussing the matter with the employees' unions because it amounts to withdrawing the facility which had become vested and curbing the service condition of the bank employees. In this regard it may be noted that the provision under section 9A of the Act has been made in order to safeguard the interest of the employees regarding bringing about any change and curbing the facility and changing the service condition of the employees in arbitrary manner by the management. In this case the notice under section 9A of the Act has been given no doubt, but is it sufficient that a notice under section 9A is given and the facilities being availed by the employees are withdrawn? The purpose of the provision of the notice is that the unions should be given opportunity to raise their objections and to discuss the matter with the management. The union has alleged in this connection that though they wrote a letter to the management raising objection against the decision, they did not receive any reply. It has been denied on behalf of the management and it has been stated that actually the letter was replied, but no such letter has been produced. There is no material to show, nor it has been asserted on behalf of the Bank that there was any discussion between the management and the union regarding the withdrawal of the facilities of the scheme referred to earlier.

10. Therefore, the action of the management in withdrawing the facility which had become vested in the employees only on account of the fact that the Govt. of India has issued some strongly worded letters in this connection does not appear to be justified. Taking into account the two letters referred to earlier it appears that the Govt. of India has rightly warned the management of the Banks not to be very liberal in granting facilities to the employees outside the purview of the bipartite settlement and guidelines have been issued in this regard that if any such scheme is formulated or proposal is made, the matter must be thoroughly discussed in the Board and the prior approval of the I.B.A. is obtained.

It is apparent that in the present case when the scheme in question was formulated in 1979 no such approval was taken because at that time the instruction of the Government of India was not there. But, after the issuance of the letter in 1996 the management become very shaky and nervous and without properly considering the pros and cons decided to withdraw the scheme which was made available to the employees as back as in the year 1979. The proper course in this case for the management should have been to explain the circumstance and necessity of introduction of this welfare scheme to the I.B.A. and the Government of India and if necessary to seek Ex-post-facto approval. Because, the scheme was based on humanitarian ground and was to be made available only to a few most deserving persons, it was not going to have great implication on the financial aspect of the Bank. It is clear that the facilities could be available to some unfortunate persons suffering from serious kind of disease and to the persons who had no leave due to his credit. Withdrawal of such scheme does not appear to be proper and reasonable. The action of the management, as such, appears to be compelled by the fear psychosis of the Bank created by the instruction of the Govt. of India as referred to above it had no rationale and therefore it must be termed as arbitrary.

11. Accordingly, the action of the management is held to be arbitrary and improper and it is accordingly struck down. The scheme if already withdrawn should be reintroduced in consultation with the I.B.A. in proper way.

12. The reference is accordingly answered and disposed of.

B. P. SHARMA, Presiding Officer

Dated, Kolkatta,
The 28th June, 2001.

नई दिल्ली, 17 जुलाई, 2001

का.घा. 1984.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिमी रेलवे, कोटा के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-41012/232/99—आई प्रार (बी-1)]

सी. गंगाधरन, प्रवर सचिव

New Delhi, the 17th July, 2001

SO. 1984—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Western Railway, Kota and their workman, which was received by the Central Government on 16-7-2001.

[No. L-41012/232/99-IR(B-1)]

C. GANGADHARAN, Under Secy

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर आदेश संख्या .—एल-41012/232/99/आई प्रार. (बी-1) दिनांक 3-2-2000

प्रकरण संख्या :—सी. जी. आई. टी./11/2000

रतनलाल भास्कर श्री माधूलाल द्वारा श्री बलदेव सिंह, श्रम सलाहकार, कोटा जंक्शन

—प्रार्थी

बनाम

- 1 मण्डल रेल प्रबन्धक, पश्चिम रेलवे, कोटा जंक्शन।
2. रेल पंच निरीक्षक, पश्चिम रेलवे, मजदारीमण्डी।

—अप्रार्थीगण

उपस्थित :—

प्रार्थी की ओर से
अप्रार्थी की ओर से
पंचाट विनांक

श्री बलदेव सिंह
श्री तेजप्रकाश शर्मा
18-6-2001

पंचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम, 1947 कहा गया है।) की धारा-10 की उपधारा (1) के खण्ड-ब के प्रावधानों के अन्तर्गत न्याय निर्णय हेतु निर्दिष्ट किया गया :—

“Whether the claimant Shri Ratan S/o Shri Nath Ram Meena is legal and justified in raising an Industrial Dispute after a period of 13 years for the termination of his services by Railway Administration Kota, on 21-5-85 if yes, to what relief Shri Ratan is entitled and from which date?”

प्रार्थी की ओर से स्टेटमेंट ऑफ क्लेम प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि वह अप्रार्थी संख्या-2 के अधीन गैरमैन के पद पर गैंग नम्बर-23 में कार्यरत था। अप्रार्थीगण उसके नियोजक थे व वह उनका कर्मकार उसने उक्त पद पर दिनांक 3-7-84 से 20-5-85 तक लगातार कार्य किया। अप्रार्थी संख्या-2 ने दिनांक 21-5-85 से मौखिक आदेश के द्वारा उसे सेवा से पृथक कर दिया। उसने अप्रार्थीगण के अधीन 240 दिन से अधिक कार्य किया था। उसे सेवा से पृथक करने से पूर्व अप्रार्थीगण के द्वारा कोई नोटिस नहीं दिया गया। अप्रार्थीगण ने नये श्रमिकों को अन्य डिब्बीजनों में भेजा। प्रार्थी ने भी इस बाबत अपनी सहमति दी, परन्तु उसे सेवा में नहीं लिया गया जबकि अन्य डिब्बीजनों में प्रार्थी से कनिष्ठ श्रमिकों की स्कीनिंग कर सेवा में रखा। इस प्रकार उसकी सेवामुक्ति अधिनियम, 1947 की धारा 25-एफ, जी एवं एच के प्रावधानों का उल्लंघन कर की गई। अप्रार्थी के द्वारा कोई वरिष्ठता सूची भी नहीं बनाई गई। विवाद प्रस्तुत करने की समय सीमा अधिनियम, 1947 के अन्तर्गत निर्धारित नहीं है। प्रार्थना की गई कि उसकी सेवामुक्ति दिनांक 21-5-85 को अवैध व अनुचित घोषित किया जाए व अप्रार्थीगण को निर्देश दिया जाए कि उसे सेवा की निरन्तरता बनाए रखते हुए पिछली मजदूरी सहित सेवा में ले।

अप्रार्थीगण के द्वारा जबाब में आपत्ति की गई कि प्रार्थी को आकस्मिक श्रमिक के रूप में आकस्मिक कार्य की पूर्ति हेतु संबिदा पर रखा गया था। प्रार्थी द्वारा प्रस्तुत विवाद अधिनियम, 1947 की धारा 2 (ओओ) (बीबी) के अन्तर्गत आता है। यह भी उल्लेख किया गया कि प्रार्थी ने दिनांक 31-7-84 से 20-3-85 तक बीच-बीच में अनुपस्थित रहते हुए कुल 178 दिवस कार्य किया तथा प्रार्थी विनांक

21-3-85 को स्वयं स्वेच्छा से बिना कोई सूचना दिए कार्य छोड़कर चला गया। प्रार्थी ने 240 दिन से अधिक कार्य नहीं किया। प्रार्थी से कनिष्ठ श्रमिक अन्य किसी सेवा में है तो उससे विपक्षी संस्थान के कार्यालय का कोई संबंध नहीं है। प्रशासन द्वारा टेम्पेरेरी स्टेटस प्राप्त कर कार्यरत श्रमिकों की ही स्कीनिंग की गई थी, आकस्मिक श्रमिकों की स्कीनिंग नहीं की गई।

प्रार्थी की ओर से साक्ष्य में स्वयं का शपथ-पत्र प्रस्तुत किया गया व प्रतिलिपि जवाब अप्रार्थी प्रदर्श डब्ल्यू-1 प्रस्तुत किया गया। प्रार्थी के शपथ-पत्र पर अप्रार्थी के अधिवक्ता को प्रतिपरीक्षा करने का अवसर दिया गया। अप्रार्थी की ओर से गोपाललाल मीणा व शाहिद अली के शपथ-पत्र प्रस्तुत किए गए व प्रार्थी द्वारा कार्य दिवसों का विवरण प्रदर्श एम-1 प्रस्तुत किया गया। गोपाललाल मीणा को प्रतिपरीक्षा हेतु साक्ष्य में प्रस्तुत नहीं किया गया, अतः उसका शपथपत्र साक्ष्य में विचार किए जाने योग्य नहीं है। शाहिद अली के शपथ-पत्र पर प्रतिपरीक्षा करने का अवसर प्रार्थी के प्रतिनिधि को दिया गया।

बहुस सुनी गई एवं पत्रावली का अवलोकन किया गया।

अधिकरण का क्षेत्राधिकार निर्देश आदेश में बणित बिन्दुओं तक ही सीमित है। निर्देश आदेश अनुसार इस बिन्दु पर विचार किया जाना है कि क्या श्रमिक रतन के द्वारा सेवा समाप्ति दिनांक 21-5-85 के बारे में 13 वर्ष बाद विवाद उठाना वैध एवं उचित है, यदि हां तो श्रमिक क्या एवं किस दिनांक से सहायता प्राप्त करने का अधिकारी है। प्रार्थी के द्वारा शपथ-पत्र में उल्लेख किया गया है कि उसने सेवा समाप्ति के बाद अनेक बार अप्रार्थीगण को नौकरी देने के लिए निवेदन किया, परन्तु उसे नौकरी नहीं दी। उसने अप्रार्थी संख्या-1 को सेवा में लिए जाने का आवेदन प्रस्तुत किया था। अप्रार्थी के द्वारा उसे आश्वासन दिया गया, परन्तु आश्वासन के बावजूद भी उसे सेवा में नहीं लिया गया। प्रतिपरीक्षा में उसका कथन है कि दिनांक 21-3-85 के पश्चात् वह कभी भी कार्य पर नहीं गया। दिनांक 21-3-85 के बाद वह ईधन नाम के अधिकारी से मिलने गया था। उसने सेवा में लिए जाने हेतु आवेदन की कोई प्रतिलिपि प्रस्तुत नहीं की। केवल जबानी सेवा में लिए जाने हेतु एक प्रार्थना करने व आश्वासन के आधार पर 13 वर्ष तक विवाद नहीं उठाये जाने का कोई संतोषजनक कारण नहीं है। यद्यपि अधिनियम, 1947 में विवाद उठाए जाने के बारे में कोई समय सीमा निर्धारित नहीं है, परन्तु सेवा समाप्ति के 13 वर्ष तक प्रार्थी के द्वारा सेवा समाप्ति के बारे में विवाद न उठाना किसी भी प्रकार उचित नहीं कहा जा सकता।

निर्देश आदेश में ऐसा उल्लेख नहीं है कि अप्रार्थी द्वारा प्रार्थी की सेवा समाप्ति विधिक एवं उचित है अथवा नहीं। अतः इस बिन्दु पर विचार करने की आवश्यकता नहीं है। फिर भी तर्क के लिए यदि मान भी लिया जाए कि उक्त बिन्दु पर निर्देश आदेश के अन्तर्गत विचार किया जा सकता है

तो भी प्रार्थी की सेवा समाप्ति अवैध एवं अनुचित नहीं कही जा सकती। प्रार्थी का कथन है कि उसने दिनांक 3-7-84 से 20-5-85 तक अप्रार्थी संस्थान के अधीन गैरमैन के पद पर लगातार कार्य किया। प्रतिपरीक्षा में उसका कथन है कि दिनांक 21-3-85 के बाद वह कभी कार्य पर नहीं गया। उसने पुनः कहा कि दिनांक 21-3-85 को उसे कार्य से वापस कर दिया। विपक्षी के साक्षी शाहिद अली का कथन है कि प्रार्थी ने दिनांक 31-7-84 से 20-3-85 के बीच कार्य किया और साथ में कार्य का विवरण भी प्रस्तुत किया है। यद्यपि प्रार्थी की ओर से विपक्षी द्वारा समझौता अधिकारी के समक्ष प्रस्तुत जवाब प्रदर्श डब्ल्यू-1 प्रस्तुत किया गया, जिसमें प्रार्थी के द्वारा 21-5-85 तक कार्य करने का उल्लेख है। परन्तु जब प्रार्थी ही यह स्वीकार करता है कि दिनांक 21-3-85 के बाद कभी कार्य पर वह नहीं गया तो उक्त जवाब का कोई महत्व नहीं रह जाता इसके अतिरिक्त अप्रार्थी द्वारा प्रार्थी के कार्यदिवसों के बाबत जो विवरण प्रस्तुत किया गया है उसकी सत्यता भी जांच हेतु अप्रार्थी द्वारा तैयार किए गए रजिस्टर का अवलोकन किया गया, जिसके अनुसार भी प्रार्थी के द्वारा अप्रैल व मई, 85 में कार्य किया जाना नहीं पाया जाता। यह अप्रार्थी के लिए जांच का विषय है कि जवाब प्रदर्श डब्ल्यू-1 में प्रार्थी के द्वारा दिनांक 21-5-85 तक कार्य किए जाने का उल्लेख किस आधार पर किया गया। जो भी हो प्रार्थी के द्वारा दिनांक 21-3-85 के पश्चात् प्रार्थी के शपथ कथन के आधार पर ही उसके द्वारा विपक्षी संस्थान में कार्य करना प्रमाणित नहीं है। प्रार्थी के कार्यदिवसों के विवरण प्रदर्श एम-1 के अनुसार उसने दिनांक 31-7-84 से 20-3-85 तक कुल 178 दिन कार्य करना प्रमाणित है, जिसमें 30 विश्राम दिवस जोड़ने पर उसके कार्य दिवसों की संख्या 208 होती है। अतः प्रार्थी के द्वारा उक्त अवधि में 208 दिन कार्य किया जाना प्रमाणित होता है।

प्रार्थी ने अपने कथन में उल्लेख किया है कि दिनांक 21-3-85 के बाद वह कार्य पर नहीं गया व दिनांक 21-3-85 को उसे कार्य से वापस कर दिया गया था। इस प्रकार दिनांक 21-5-85 को अप्रार्थी के द्वारा उसे सेवा से पृथक करने का व उसकी छंटनी किए जाने का प्रश्न ही उत्पन्न नहीं होता। शाहिद अली का कथन है कि प्रार्थी दिनांक 21-3-85 को कार्य छोड़कर चला गया था। प्रार्थी के द्वारा 13 वर्ष तक सेवा समाप्ति के बारे में कोई विवाद उत्पन्न नहीं करने से यह निष्कर्ष निकाला जा सकता है कि प्रार्थी स्वयं कार्य छोड़कर चला गया था। 1999 एल.एण्ड एस. वोल्यूम-1 पृष्ठ 262 स्टेट ऑफ हरियाणा बनाम ओम प्रकाश के मामले में दैनिक मजदूरी पर कार्यरत श्रमिक 3 वर्ष तक स्वयं कार्य पर उपस्थित नहीं आया था, नियोजक के द्वारा उसकी सेवा समाप्ति के बारे में कोई कार्यवाही नहीं की गई थी। यह अभिनिर्धारित किया गया कि श्रमिक की सेवा समाप्ति छंटनी के तहत नहीं आती। नरेन्द्र सिंह सोलंकी बनाम राँ एण्ड किनिशिंग प्रोडक्शन 2000 (3) बोम्बे-85 एल.एल.एन. पृष्ठ 448 के मामले में सेवा

समाप्ति का कोई आदेश नहीं था, कोई प्रमाण नहीं था कि प्रार्थी कार्य करने गया व सेवा में नहीं लिया गया। राजस्थान उच्च न्यायालय के द्वारा यह निष्कर्ष निकाला गया कि श्रमिक ने स्वयं सेवा छोड़ दी थी। प्रस्तुत मामले में प्रार्थी का स्वयं यह कथन नहीं है कि दिनांक 21-5-85 को वह कार्य पर गया व उसे सेवा में नहीं लिया गया। ऐसी दशा में जैसा उल्लेख किया जा चुका है यह निष्कर्ष नहीं निकाला जा सकता कि उसकी सेवा समाप्ति एवं छंटनी अप्रार्थीगण द्वारा दिनांक 21-5-85 को की गई व उसके द्वारा स्वयं कार्य पर न जाना प्रमाणित होता है। अतः अधिनियम, 1947 की धारा 25-एफ, जी, एवं एच के प्रावधान आकृष्ट नहीं होते। उसके द्वारा अप्रार्थी के अधीन 240 दिन अथवा निरन्तर एक वर्ष कार्य करना भी प्रमाणित नहीं है इस कारण भी अधिनियम 1947 की धारा 25-एफ के प्रावधान आकृष्ट नहीं होते। इस प्रकार प्रार्थी की सेवा समाप्ति अवैध एवं अनुचित नहीं कही जा सकती।

उक्त विवेचन के आधार पर प्रार्थी कोई सहायता प्राप्त करने का अधिकारी नहीं है।

पचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम, 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाये।

ह. /प्रपठनीय

पीठासीन अधिकारी

नई दिल्ली, 17 जुलाई, 2001

का.मा. 1985.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउदर्न सेंट्रल रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण/श्रम न्यायालय बंगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एन-41012/224/99-आईआर (बी-1)]

सी. गंगाधरन, भवर सचिव

New Delhi, the 17th July, 2001

S.O. 1985.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of South Central Railway and their workman, which was received by the Central Government on 16-7-2001

[No. L-41012/224/99-IR(B-I)]

C. GANGADHARAN, Under-Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, BANGALORE

Dated: 2nd July, 2001

PRESENT:

HON'BLE SHRI V. N. KULKARNI, B.Com, LLB,
PRESIDING OFFICER
CGIT-CUM-LABOUR COURT,

BANGALORE

C.R. NO. 125/99

I PARTY

Sri Hysensab Nawabsab Shekh,
South Central Railway,
Madagon Station,
Hubli Division,
Rjo Chadachan, Indi,
Bijapur.

II PARTY

1. The Sr Div. Personnel Officer, SCR,
Hubli Division,
Hubli-580020.
2. The Div. Operating Supdt.,
SCR,
Hubli-580020.

AWARD

1. The Central Government by exercising the powers conferred by clause(d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-41012/224/99-IR(B-1) dated 29-11-99 for adjudication on the following schedule:

SCHEDULE

"Whether the action of the management of South Central Railway, Hubli Division is justified in terminating the services of Shri Husensab Nawabsab Shekh, Ex-casual labourer/Khalasi w.e.f. 29-3-1989 after availing his services intermittently from 10-7-1979 is legal and justified. If not, to what relief the workman is entitled to?"

2. First party union workmen were working with the second party management. Services were terminated and therefore dispute is raised. When the notices were sent to parties, the Parties remained absent.

3. In view of this, no purpose will be served if the matter is adjourned. Accordingly I proceed to pass the following order.

ORDER

The reference is rejected
(Dictated to PA transcribed by her corrected and signed by me on 2nd July, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 17 जुलाई, 2001

का.मा. 1986.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाईटेड इंडिया इन्स्युरेंस कं. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण/श्रम न्यायालय बंगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एन-17012/21/89-आईआर (बी-II)]

सी. गंगाधरन, भवर सचिव

New Delhi, the 17th July, 2001

S.O. 1986.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of United India Insurance Co. Ltd. and their workman, which was received by the Central Government on 16-7-2001.

[No. L-17012/21/89-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated : 29th June, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LL.B., Presiding Officer.

CGIT-CUM-LABOUR COURT, BANGALORE

C. R. N. 54/90

I Party

All India Insurance Employees (1) Association, Bharat Insurance Building Annex 93, Mount Road, Madras-60000.

The General Secretary (2) Andhra Pradesh General Insurance Employees Association, 313, 3rd Floor, Satguru Commercial Complex, Basher Bagh, Hyderabad-500025 (Advocate-Shri Ganapathi Hogde).

II Party

The Chairman and (1) Managing Director, United India Insurance Company Ltd., 24, Whites Road, Madras 600014.

The Regional Manager (2) United India Insurance Company Limited, United India Building Basheer Bagh, Hyderabad 500029 (Advocate-Shri Pradeep Saukar).

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-17012/21/89/IR-BI/BI dated 3rd August 1989 for adjudication on the following schedule.

SCHEDULE

"Whether the action of the United India Insurance Company Limited Madras in :—

- (a) terminating the workmen mentioned in Annexure-I.
- (b) non regularising the workmen mentioned in annexure-II.
- (c) giving its normal typing work to typing institutes at Muvattupuzha, Hospet and Dhavangarre there by depriving.
 - (i) Mrs. Prasanna (Muvattupuzha)
 - (ii) Mr. Padmasree (Hospet)

(iii) Mr. Venkatesh Murthy (Dhavangare) of their due wages and other benefits for work done in company's office.

(d) employing watchmen on fixed salary at a rate of lower than what is paid by the company to its regular employees; and

(e) employing the workmen as electricians, plumbers, gardeners, caretakers, etc. on the basis of individual contracts.

Is legal and justified? If not to what relief are the workmen entitled?"

2. First party Union workmen were working with the Second Party management. They were terminated, not regularised and proper duties were not given and they had other reasons so Industrial Dispute was raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The first party Union Workmen is All India Insurance Employees Association. Following are the points of disputes:

- (a) terminating the workmen mentioned in Annexure-I:
- (b) non-regularising the workmen mentioned in Annexure-II.
- (c) giving its normal typing work to typing institutes at Muvattupuzha, Hospet and Davangere thereby depriving.
 - (i) Mrs. Prasanna (Muvattupuzha)
 - (ii) Mrs. Padmasree (Hospet)
- (iii) Mr. Venkatesh Murthy (Dhavangare) of their due wages and other benefits for work done in Company's Office;
- (d) employing watchmen on fixed salary at a rate lower than what is paid by the company to its regular employees; and
- (e) employing the workmen as electrician, plumbers, gardeners, caretakers etc., on the basis of individual contracts; is legal and justified? If not to what relief are the workmen entitled?"

5. It is the further case of the first party union workmen that the management has illegally terminated 78 workmen though they have completed one year continuous service. Details are given along with the Claim Statement. The provisions of Section 25—F(a) and (b) are not complied by the management and therefore, the termination is illegal.

6. It is the further case of the Union that subsequent to this termination order about 22 workmen out of 78 workmen were again recruited and 56 workmen were not called for interview and the provisions of Section 25-H of the Industrial Dispute Act are not complied. The Second party had sufficient work to provide them but has not regularised these workmen. The Second Party recruited more than 1100 sub staff w.e.f. July 1983. Similarly 5700 Typists and Assistants have been recruited w.e.f. July 1984 as stated in Para 2(v). The management paid wages in different means.

7. Regarding regularisation it is said that the management has not considered the claim of these workmen for regularisation and the action of the management is illegal. The details of the date of joining and age etc. is given in Appendix—B.

8. It is the further case of the first party that Mrs. Prasanna was appointed in 1984 as Temporary Assistant and Mrs. Padmasree was appointed on 28-3-1985 as Temporary Assistant and Shri Venkatesh Murthy was appointed on 1-1-1984 as temporary Assistant/Typist. The second party was extracting typing work from them but they were not paid wages.

9. It is the further case of the union that the management employed the watchman on fixed salary what is paid by the company to its regular employees and details are given in

the Claim Statement and it is said that the action of the management is not correct.

10. It is the further case of the union that workmen engaged on individual contracts such as Electricians, Plumbers, Carpenters etc. have been regularised w.e.f. 22-8-1999 but their past wages are not considered. It is the case of the union that they may be regularised w.e.f. the date of their initial appointment and they may be given consequential benefit. Many other allegations are made and contended that the principle of equal pay for equal work is not followed and the union has prayed to pass award in its favour.

11. The case of the management in brief is as under :

12. It is contended that this tribunal had jurisdiction to adjudicate dispute pertaining to employment/non employment within the state of Karnataka and not outside. It is said that the Central Government has not applied its mind in order to find out the nature of dispute. It is the further case of the management that 49 workmen out of 58 have already been absorbed in to the permanent service of the second party and they have accepted the terms and conditions of the appointment.

13. Similarly Shri Venkatesh Murthy and Padmasree are also been appointed. The case of the union is not correct. All these persons were engaged on temporary basis. The recruitment of regular staff depends on various factors like rules of recruitment prescribed by Government and the General Insurance Corporation of India, availability of vacancy, suitability and eligibility etc. The workmen who are not regularised are engaged on temporary basis or on daily wages do not possess the eligibility criteria. Therefore, the action of the management is correct. The workmen who have completed 240 days continuous work and fulfilled the qualifications, they are regularised and the remaining workmen have no case at all.

14. It is the further case of the management that except 29 persons all other persons have not put any continuous service of 240 days and therefore they are not entitled for any relief.

15. It is the further case of the management that the workmen who have not completed 240 days service are not entitled for any benefit and all the allegations are not correct. It is the further case of the management that none of the persons shown in the order of reference; namely Mrs. Pisanna, Mr. Padmasree and Mr. Venkatesh Murthy have either been appointed on regular basis or on temporary basis for any work of the establishment. Merely because the typing institutes entrusted the work of the second party to the above persons and they will no right at all.

16. It is the further case of the management that prior to 1987, the company did not have any cadre pertaining to Security Staff/Watchman. There was no provision under the Contract Labour (Regulation and Abolition) Act, 1970 and security work was entrusted to several organisations/individuals on contract basis and in the year 1987 these contract arrangements were dispensed with. There was no discrimination at all and the allegations are incorrect.

17. It is true that the Electricians, Plumbers, Gardeners, Caretakers etc. were employed and regularised w.e.f. 22-8-90. But they are not entitled for backwages. The management for these reasons has prayed to reject the reference.

18. This is a case of 11 years old. In my opinion parties have unnecessary spent so much time in getting disposed of this dispute.

19. It is seen from the records that MW1 is examined for the management. Against this WW1 and II are examined for the workmen.

20. At very late stage the application was filed by the first party caused to recall MW1. We should know here that in July 1999, MW1 was examined and there are no grounds to allow the application so that application was rejected. Arguments were heard.

21. We have the evidence of MW1 and he says that some Committees were constituted for regularising the workmen and he was one of the member to the committee constituted. 2347 GI/2001-6.

They received representation from the union and the workmen and who have completed continuous work for more than 240 days their cases were considered for regularisation. They have verified the records pertaining to all the branches in Karnataka. They have considered the documents. They have also indicated how they calculated 240 days. He has given detailed report. He says that they have regularised some workmen who have completed 240 days and more and Ex. M3 is the file containing all the details. I have carefully perused all the documents. It is clear from the evidence of MW1 that workmen who have completed 240 days continuous service and fulfilled other qualifications have been regularised.

22. We have the evidence of MW1 and II, WW1 is the Joint Secretary of South Zone. He says in his cross examination that he has not filed any document to show that the affected workmen are the members of the All India Union. He was in his cross examination that it is correct to say that the second party had followed the following procedure for regularisation to recruit permanent employees.

(1) Availability of vacancy.

(2) Educational qualification.

(3) Sponsoring from the Employment Exchange.

23. He says in his cross examination that he does not know whether workman Shri Raghavendra is working with Karnataka Power Corporation at Raichur.

24. We have the evidence of WW2 and his cross examination is very material. To appreciate the same I would like to quote his cross examination. "I am aware of the fact that investigation was conducted with the assistance of the union to find out which of the employees completed 240 days and above and the regularisation was made in respect of the candidates who have completed 240 days and not considered the employees who have not put in 240 days". He further says "It is true that there was no attendance register to mark the attendance but the payment used to be made". With the above cross examination it is abundantly clear that the management has regularised and conducted investigation with the assistance of the union to regularise the workmen who had completed 240 days.

25. Therefore in the instant case the first party union has not filed any documents to say that the workmen have completed 240 days of continuous work.

26. It was argued by the learned counsel for the first party that the union has no documents and all the documents are with the management and therefore, the first party union could not produce any document.

27. It was further argued that the evidence of MW1 will not help regarding other workmen and therefore, that evidence is not helpful to the management.

28. It is seen from the records that WW1, II and III are from different states. We have the evidence of W.W. III and according to W.W. III he worked as Assistant Cum Typist at Hindupur from 15-6-1983 to 14-8-84. He also says in his cross examination that he was not aware that the committee was formed by the Second party and with the assistance of Union investigation was made for the purpose of regularisation and temporary employees who have been put in 240 days above were regularised and other were not considered.

29. He categorically says in his cross examination that it is true that his employment was not regularised because he was not working regularly for 240 days. With this material I am of the opinion that there is no merit in the arguments advanced by the learned counsel for the first party.

30. In view of the evidence of WW. III it is clear that the workmen who have not completed 240 days are not regularised.

31. Taking all this into consideration I am of the opinion that the present reference has no merit and all the disputes referred are not proved. Accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 29th June 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 17 जुलाई, 2001

का.आ. 1987.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-01 को प्राप्त हुआ था।

[सं. एल-12012/209/99/आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 17th July, 2001

S.O. 1987.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workman, which was received by the Central Government on 16-7-2001.

[No. L-12012/209/99-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JAIPUR
Case No. CGIT-4/2000

Reference No. L-12012/99/IR(B-II) dated: 23-12-1999

Shri Vijay Kumar Valmiki,
S/o Shri Shivnarayan Valmiki,
Balanandil Ka Rasta,
Harjan Basti,
Chandpole,
Jaipur.

.... Applicant

Versus

1. Indian Overseas Bank,
Regional Office,
D-23 A, Prithviraj Road,
C-Scheme,
Jaipur (Rajasthan).

2. Indian Overseas Bank,
Sr. Regional Manager,
A.C. 2, Jaisingh Circle,
Bani Park,
Jaipur.

.... Non-applicants

ATTENDANCE :

For the applicant : Shri J. L. Shah, Advocate.

For the non-applicants : Shri Anil Sharma, Advocate.

Date of Award : 20-6-2001

AWARD

The Central Government vide order mentioned above has referred the following dispute under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 (hereinafter referred as the Act, 1947) for adjudication.

SCHEDULE

"Whether the action of the management of Indian Overseas Bank, Jaipur is justified in terminating the services of Shri Vijay Kumar Valmiki S/o Shri Shivnarayan Valmiki in violation of S-25-F and S-25-H of the I.D. Act, 1947? If not, what relief the workman is entitled and from what date?"

The applicant filed the statement of claim stating that he was appointed in the Indian Overseas Bank (hereinafter referred as the Bank) on the post of temporary sweeper on 25-11-94. He continued to work on that post till 31-10-95. The details of which are given below :—

Month/Year	No. of days
November—94	1
December—94	31
January—95	27
February—95	28
March—95	27
April—95	26
May—95	31
June—95	26
July—95	28
August—95	31
September—95	—
October—95	31

Thus he worked in the Bank for a total period of 287 days. He was given certain appointment orders for a period of 44 days but he continued to work even in the period during which the appointment order were not issued. The work which he was doing, was of permanent nature and the post was also vacant. In the month of September 95 he came to know that the Bank was going to terminate his services, therefore, he filed a suit in the court of Additional Civil Judge (West) Jaipur and prayed for grant of stay order for not terminating his services. The Civil Judge on 30-10-95 rejected his application for stay. Thereafter on 31-10-95 his services were terminated vide verbal order w.e.f. 1-11-95. Later on he withdrew the suit filed by him. He made a request to the non-applicants for taking him back in service vide letter dt. 5-11-98 but the non-applicants did not respond to the same. Thereafter, he raised the dispute before the Assistant Labour Commissioner. On failure of the conciliation proceedings the dispute has been referred to the Tribunal. It has been pleaded that he had worked for 287 days prior to the date of termination, but was not given prior one month's notice or pay in lieu of notice or compensation as required under Section 25-F of the Act, 1947. His services were terminated on the ground that he is over qualified which falls within the definition of 'retrenchment'. To treat over-qualification as ineligibility in service is unjustified. After termination of services Shri Kanhaivalal was called for interview for temporary appointment vide letter dt. 7-8-96 but he was not called for interview and thus the non-applicants violated Section 25 H of the Act, 1947. It was prayed that the order of termination of his services may be declared as unjust and illegal and he may be reinstated in service with back wages and continuity in service.

In the reply to the claim it was admitted that the applicant was given temporary appointment on the post of sweeper but it was stated that the appointment was for a fixed term for a period of 44 days and so the same came to an end on the expiry of the term. The appointment was given on 25-11-94 after requisitioning names from the Employment Exchange. Later on the applicant was given temporary appointment for 44 days from time to time and lastly he was given appointment for the fixed period from 18-9-95 to 31-10-95. The term of the appointment of the applicant came to an end on 31-10-95 as per the contractual period. It was also stated that as per guidelines for the post of sweeper the candidate should not have studied beyond 5th standard and thus the applicant was not eligible for the post of sweeper.

The applicant filed rejoinder to the reply. It was stated that during the interview he had given the information about his educational qualification and also reiterated the facts mentioned in the claim.

In support of the claim the applicant filed his own affidavit. The learned counsel for the non-applicant was given opportunity to cross-examine him. In the form of documentary evidence the applicant filed the copy of the appointment letter dt. 25-11-94 marked W-1 the statement about arrear paid to the applicant marked W-2, copy of the vouchers marked W-3 to W-8, copy of the letter marked W-9, copy of the postal receipt marked W-10, copy of the application marked W-11, copy of the reply marked W-12, copy of the rejoinder marked W-14 copy of the failure report marked W-15, copy of the letter for interview marked W-16, copy of the vouchers marked W-17 and 18, and copy of the letter of the Bank marked W-19. On behalf of the non-applicant Shri A. K. Biswas, Deputy Chief Officer of the Bank was examined. In the form of documentary evidence copy of the appointment letter dt. 25-11-94 and 16-9-95 marked R-1 and R-2 respectively and guidelines for the appointment to the post of sweeper were filed.

Heard arguments of the learned representative of the applicant and learned counsel for the non-applicant and perused the record.

The following points require consideration:—

1. Whether the applicant had worked in establishment of the Bank for a period of 240 days during the period preceding to the date of termination of his service i.e. 1-11-95?
2. Whether the termination of service of the applicant falls under Section 2(oo)(bb) of the Act, 1947?
3. Whether the non-applicant has violated Section 25F and H of the Act, 1947?
4. To what relief the applicant is entitled?

Point No. 1:—It is not disputed that the applicant was given temporary appointment on the post of sweeper initially for a period of 44 days vide order dated 25-11-94. The vouchers through the payment was made to the applicant marked W-3 to W-8 and the statement of arrear paid to the applicant marked W-2 have been admitted by the non-applicant. As per the vouchers and the statement of arrear the applicant had worked for 287 days during the period from November 94 to 31-10-95. It is thus proved that the applicant had worked for more than 240 days during the year preceding to the date of termination.

Point No. 2:—The applicant was initially appointed vide order dated 25-11-1994 marked W-1 for a period of 44 days. He however continued to work thereafter. Lastly he was given appointment on the same post for the period from 18-9-1995 to 31-10-1995 vide letter dated 16-9-1995 marked R-2. Thus as per the last appointment letter he was given temporary appointment for the fixed period upto 31-10-1995. The learned counsel for the non-applicant has contended that as the applicant was appointed for fixed term his services stood terminated itself on expiry of the term and termination falls under Section 2(oo)(bb) of the Act, 1947 and does not amount to retrenchment and, therefore, question of violation of Section 25 F and H of the Act, 1947 does not arise. In support of his contention he has cited 1992 Lab. IC 1208 K. Rajan v/s. Kerala State Electricity Board and 1995 Lab. IC 37 P.S. Anitha V/s. Asstt. Director of Tea Development, Tea Board, Kottayam. On the other hand the learned counsel for the applicant has contended that the work which the applicant was doing was of permanent nature as it has been admitted that after termination of service of applicant other persons were given temporary appointment and therefore, clause (oo)(bb) of section 2 of the Act, 1947 is not applicable in the case. He has also contended that higher qualification is no ground for ineligibility to the appointment to the post. In support of his contention he has cited the following authorities:—

1. Writ Petition No. 532/87 Smt. Santosh Kumar and others v/s. State of Punjab.
2. 1990 LLR 513 Balbir Singh v/s. Kurukshetra Central Co-operative Bank Ltd.,
3. 1986 LLJ(1) 127 H. D. Singh v/s. Reserve Bank of India (SC).

4. 1994 (2) WLC 227 (RH) State Insurance and Provident Fund Deptt. Rajasthan Jaipur v/s. Rameshwar Prasad.
5. 1980 LLN (II) 170 (SC) Santosh Gupta v/s. State Bank of Patiala.
6. RLR 1991 (2) 691 Surya Prakash Sharma v/s. Rajasthan Text Book Board Jaipur.
7. 1998 (II) LLJ 112 (Alld) Oriental Bank of Commerce v/s. Union of India.
8. 1987 Lab. IC 1361 (Gujarat HC) Gujarat Machine Tools Ltd., v/s. Deepak J. Desai.

In case reported in 1992 Lab. IC 1208 it has been held that under clause (bb) of Section 2(oo) 'retrenchment' does not include termination of service of the workman as a result of the non renewal of the contract concerned on its expiry or of such contract being terminated under the stipulation on that behalf contained therein. It has also been held that Section 25 H is not applicable to the workmen who are not the retrenched workman.

In case of writ petition No. 532/87 the appointment of the petitioner of fixed period of 89 days was challenged. Vacancies were there which fact was not disputed. It was directed by the Apex court that appointment should be made on regular or temporary basis and petitioner's services not to be terminated on the basis that they have served already 89 days. In case reported in 1990 RLR 513 it has been held by the Punjab and Haryana High Court that Section 2(oo) (bb) requires to be interpreted as to restrict it to cases where work has been accomplished and agreement of hiring for specific period was genuine. In case reported in 1986 (I) LLJ 127 the name of the employee was struck off on the ground that he was better qualified. The employee was not told that his name will be struck off if he passed matriculation examination. The Apex Court directed to treat the employee as regular employee. In 1994 (II) WLC 227 the contention that termination does not fall under Section 2(oo) was not accepted on the ground that no specific order of extension was given after expiry of the 3 month's term contemplated in the term of order. In case reported in LLN(II) 1980 170 termination on failure to pass the test was held to be retrenchment. In case reported in RLR (II) 691 it was held that Section 25 H is applicable irrespective of the fact whether the workman has completed 240 days service or not. In case reported in 1998 (II) LLJ 112 the dispute about termination of service related to the year 1981 while clause (bb) in Section 2(oo) came into force on 17-8-84. Clause (bb) was held not to be applicable. In the case reported in 1987 Lab. IC 1361 it was held that as per rule 82(2) (b) of Gujarat Industrial Dispute Rules, 1966 retrenched employee must be given opportunity for employment.

In the case reported in 1996 (I) ADSC(L) 110 State of Rajasthan v/s. Remshwarlal Gahlot it has been held by the Apex Court that when the appointment is for a fixed period, unless there is finding that power under clause (bb) of Section 2(oo) was misused or vitiated by it is mala fide exercise, it cannot be held that the termination is illegal. In its absence, the employer could terminate the services in terms of the letter of appointment unless it is a colourable exercise of power. It must be established in each case that the power was misused by the management or the appointment for fixed period was colourable exercise of power.

In case reported in 1996 (I) ADSC (L) 262 State of Himachal Pradesh v/s. Suresh Kumar Verma it has been held that if appointment is not made according to rules the same cannot be used as conduit pipe for regular appointment. In the case reported in 1994 (II) LLJ 888 Kerala Solvent Ex. Ltd. V/s. A. Unnikrishnan, the facts were that the service of Badli worker was terminated on the ground that he suppressed the fact that he had passed 10th standard. While condition for eligibility for appointment to the post was that candidate should not be more than 8th standard Labour Court set aside in the order of termination. In writ petition single judge disapproved the view of Labour Court but ordered reinstatement. The writ was dismissed by Divisional Bench. The Apex Court allowed the appeal and set aside the order of SB and DB and rejected the industrial dispute.

As per the last appointment letter the applicant was appointed for a fixed term. The applicant on having come to know that his services were going to be terminated filed civil suit in the Court of Additional Civil Judge Jaipur (West) and prayed for stay, which was refused on 30-10-95. The contractual term of appointment expired on 31-10-95, which was not renewed. There were directions from the Regional Office that services of the applicant may be dispensed with as he is overqualified and he is not eligible. The appointment was not given as per the guidelines provided for the post of sweeper in which it was laid down that the candidate should not have studied beyond 5th Std. The applicant was admittedly over qualified. In these circumstances when the applicant was over qualified and his prayer for stay for not terminating his services was rejected by civil court and the contractual term having expired on 31-10-95 on account of non-renewal of the contract the power to terminate services of the applicant cannot be said to have been misused or vitiated by its mala fide exercise. It may also be stated that the applicant was not communicated that his services were terminated on the ground of being overqualified. The contractual term was not renewed. The termination of service of the applicant, therefore, falls under clause (bb) of Section 2(oo) of the Act, 1947, which is an exception to the 'retrenchment'. In writ petition No. 532/87 appointment for fixed term was challenged and not termination. In case reported in 1986 (1) LLJ 127, the service was terminated on ground of over qualification. While in the present case, contractual appointment was not renewed. The facts of the above cases, therefore differ from the present case.

Point No. 3 :—As the termination of the services of the applicant doesn't fall in the category of 'retrenchment' as defined under Section 2(oo) provision of Section 25F of the Act, 1947 are not attracted. In spite of the admission on behalf of non-applicant that Shri Ramgopal Meena and Shri Prabhu Meena were given contractual appointment after terminating the services of the applicant the provisions of Section 25H are not attracted as the applicant was not retrenched workman. It may also be stated that there is nothing on record to suggest that they were given contractual appointment in spite of their ineligibility to the post.

Point No. 4 :—For the reasons stated above the termination of the services of the applicant cannot be said to be illegal or unjustified and the applicant is not entitled to any relief.

The copies of the award may be sent to the Central Government under Section 17(1) of the Act, 1947 for publication.

Sd/- Illegible
Presiding Officer

20-6-2001

नई दिल्ली, 17 जुलाई, 2001

का.आ. 1988.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक जयपुर के प्रबन्ध के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-12012/187/99-आई.आर. (बी-1)]

सी. गंगाधरण, अव्वर सचिव

New Delhi, the 17th July, 2001

S.O. 1988.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 16-7-2001.

[No. L-12012/187/99-IR(B-J)]
C. GANGADHARAN, Under Secy.

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय जयपुर।
आदेश संख्या-एल-128-12/187/99 आई आर (बी-1)

दिनांक 07-07-99

प्रकरण संख्या :-जे 42/99

श्रमिक श्रीचन्द पुत्र श्री गोरराम खटीक, खटीकों का मोहल्ला,
शमशान घाट के पास, सीकर —प्रार्थी

बनाम

1-रीजनल मैनेजर, जोनल आफिस संख्या-4. भारतीय स्टेट बैंक ऑफ इण्डिया, पृथ्वीराज रोड, लाल कोठी, जयपुर।

2-शाखा प्रबन्धक, भारतीय स्टेट बैंक ऑफ इण्डिया सीकर ;

—अप्रार्थीगण

उपस्थित :—

प्रार्थी की ओर से श्री कानसिंह राठीड, अधिवक्ता

अप्रार्थी की ओर से श्री यशपाल गर्ग, अधिवक्ता

पंचाट दिनांक 19-6-2001

पंचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद औद्योगिक विवाद अधिनियम 1947 (जिसे बाद में अधिनियम 1947 कहा गया है) की धारा 10 की उपधारा (1) के खंड ख के प्रावधानों के अन्तर्गत न्याय निर्णयन हेतु निर्देशित किया गया :—

“Whether the action of the management of State Bank of India in terminating the service of Shri Srichand w.e.f. 3-12-97 is legal and justified? If not to what relief the said workman is entitled?”

प्रार्थी की ओर से स्टेटमेंट ऑफ क्लेम प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि उसकी नियुक्ति अप्रार्थी संख्या 1 के मौखिक आदेशानुसार अप्रार्थी संख्या-2 के अधीन दिनांक 1-4-84 से मैनेजर के पद पर दैनिक वेतन के आधार पर की गई थी। वह तभी से निरन्तर कार्य करता आ रहा था। उससे मैनेजर, फराश, पानी पिलाने, सफाई तथा केन्टीन बाय का कार्य लिखा गया। अप्रार्थी संख्या- ने मौखिक आदेश दिनांक 3-12-97 के द्वारा उसे सेवा से पृथक कर दिया। उमने सेवामुक्ति से पूर्व प्रत्येक वर्ष में 240 दिन से अधिक कार्य किया था। दिनांक 27-10-88 को स्टेट बैंक ऑफ इण्डिया (जिसे बाद में बैंक कहा गया है) व ऑल इण्डिया स्टेट बैंक ऑफ इण्डिया फंडरेशन के बीच सम-झौता हुआ था, जिसके अनुसार दैनिक वेतन भोगी अंशकालीन श्रमिक जिन्होंने 12 कलैण्डर महीनों में 240 दिन अथवा 36 कलैण्डर महीनों में 217 दिन (217 गलती से लिखा गया है) अथवा किसी कलैण्डर वर्ष में 30 दिन कार्य वर्ष 1988 तक किया हो, ऐसे श्रमिकों को स्थाई किए जाने का प्रावधान था। वह सभी शर्तें पूरी करता था

परन्तु उसे स्थाई नहीं किया गया। उसकी सेवा समाप्ति के समय कोई बरिष्ठता सूची का भी प्रकाशन नहीं किया गया व न उसे अधिनियम 1947 की धारा 25-एफ के प्रावधानों के अनुसार सेवा समाप्ति से पूर्व एक माह का नोटिस दिया गया व न नोटिस के बदलने में नोटिस वेतन एवं न मुआवजा। उससे कनिष्ठ श्रमिक जगदीश जा कि वर्ष 1991 में रीगस शाखा में मैसेन्जर के पद पर नियुक्त किया गया था, जिसे स्थाई कर दिया गया। सेवा समाप्ति के बाद नए श्रमिक नियोजन में रखे गए, परन्तु उसे पुनः नियोजन का अवसर नहीं दिया गया। इस प्रकार उसकी सेवा समाप्ति अधिनियम, 1947 की धारा 25-एफ. जी. एच व औद्योगिक विवाद (केन्द्रीय) नियम 1957 (जिसे बाद में नियम, 1957 कहा गया है) के नियम 77, 78 का उल्लंघन कर की गई, प्रार्थना की गई कि उसकी सेवामुक्ति दिनांक 3-12-97 को अर्द्ध एवं अनुचित घोषित किया जाए तथा उसे पिछली मजदूरी सहित पुनः सेवा में लिए जाने का आदेश दिया जाए।

अप्रार्थीगण की ओर से स्टेटमेंट ऑफ क्लेम का जवाब प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि प्रार्थी व बैंक के बीच कर्मकार व नियोजक का संबंध नहीं रहा। प्रार्थी अधिनियम, 1947 की धारा 2(एस) के अन्तर्गत कर्मकार नहीं है। केन्द्रीय कार्यान्वयन समिति द्वारा स्थानीय कार्यान्वयन समिति (जिसे बाद में समिति कहा गया है) जो कि शाखा स्तर पर होती है, को कुछ फण्ड आवंटित किया जाता है। समिति बैंक कर्मचारियों की समिति है, जिसमें अधिकारी एवं अन्य कर्मचारी सम्मिलित हैं। केन्द्रीय बैंक की सेवाएं समिति द्वारा ली जाती हैं। केन्द्रीय बैंक में कर्मचारियों को व आगन्तुकों धाय आदि सप्लाई करता है। बैंक का किसी प्रकार का समिति पर नियन्त्रण नहीं होता। केन्द्रीय बैंक की सेवाएं केवल समिति द्वारा ही ली जाती हैं जिसमें बैंक का कोई हस्तक्षेप नहीं होता। प्रार्थी को समिति द्वारा केन्द्रीय बैंक के रूप में रखा गया था न कि बैंक द्वारा। प्रार्थी राजस्थान पत्रिका में प्रकाशित विज्ञापन दिनांक 1-5-91 के आधार पर नियुक्ति के लिए पात्र नहीं था। उसने इस बारे में कोई आवेदन भी प्रस्तुत नहीं किया। प्रार्थी को न तो मैसेन्जर के पद पर नियुक्ति दी गई व न उससे मैसेन्जर, फरांश, कुली अथवा पानी पिलाने का कार्य लिया गया। प्रार्थी को बैंक में नियुक्ति ही नहीं दी गई तो उसे सेवा से पृथक किए जाने का प्रश्न ही उत्पन्न नहीं होता। अप्रार्थीगण ने अधिनियम, 1947 की धारा 25 एफ, जी, एच व नियम 1957 के नियम 77, 78 का उल्लंघन नहीं किया है।

प्रार्थी के द्वारा अप्रार्थीगण के जवाब का प्रत्युत्तर प्रस्तुत किया गया, जिसमें उसने क्लेम में वर्णित तथ्यों को दोहराया।

पक्षकारों के अभिकथनों के आधार पर निम्नांकित विवाद बिन्दु बनाये गये :—

1. आधा प्रार्थी की नियुक्ति विपक्षी नम्बर-1 के मौखिक आदेश से विपक्षी नम्बर-2 के अधीन दिनांक

1-9-84 से मैसेन्जर के पद पर दैनिक वेतन पर हुई व उसने दिनांक 2-12-97 तक लगातार कार्य किया।

2. आधा प्रार्थी ने विपक्षी संख्या-2 के अधीन सेवा-मुक्ति की तारीख से एक वर्ष पूर्व के समय में 240 दिन से अधिक कार्य किया।

3. आधा विपक्षी संख्या-2 ने औद्योगिक विवाद अधिनियम की धारा 25-एफ, जी एवं औद्योगिक विवाद (केन्द्रीय) नियम, 1957 के नियम 77, 78 का उल्लंघन किया।

4. आधा प्रार्थी को स्थानीय कार्यान्वयन समिति सीकर द्वारा केन्द्रीय बैंक के रूप में रखा गया था व प्रार्थी का विपक्षी बैंक से कर्मकार व नियोजक का कोई संबंध नहीं रहा है व प्रार्थी औद्योगिक विवाद अधिनियम की धारा-2 के अन्तर्गत कर्मकार की श्रेणी में नहीं आता। यदि हां तो इसका प्रभाव।

5. प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है।

क्लेम के समर्थन में प्रार्थी ने स्वयं का शपथ-पत्र प्रस्तुत किया, जिस पर प्रतिपरीक्षा करने का अवसर अप्रार्थीगण के अधिकार को दिया गया। प्रार्थी की ओर से प्रलेखीय साध्य में प्रतिलिपि रसीद प्रदर्श डब्ल्यू-1, प्रतिलिपि आदेश प्रदर्श डब्ल्यू-2 व 3, प्रतिलिपि पत्र प्रदर्श डब्ल्यू-4, प्रतिलिपि प्रमाण-पत्र प्रदर्श डब्ल्यू-5, 6 व 8, कार्य विवरण प्रदर्श डब्ल्यू-9, प्रतिलिपि असकल धार्ता प्रतिवेदन प्रदर्श डब्ल्यू-10 प्रस्तुत की। अप्रार्थीगण की ओर से बद्रीनारायण यादव, शाखा प्रबंधक का शपथ-पत्र प्रस्तुत किया गया, जिस पर प्रार्थी के विद्वान प्रतिनिधि को प्रतिपरीक्षा करने का अवसर दिया गया। प्रलेखीय साध्य में प्रतिलिपि विवरण मजदूरी भुगतान बाबत प्रदर्श एम-1, प्रतिलिपि रजिस्टर समिति प्रदर्श एम-2 प्रस्तुत किये। प्रार्थी के प्रार्थना-पत्र पर पानी भरने के वाउचर भी प्रस्तुत किये गये व दस्तावेज उपलब्ध न होने के वारे में ओम प्रकाश गुप्ता, लेखापाल का शपथ-पत्र प्रस्तुत किया गया।

बहुस सुनी गई एवं पत्रावली का अवलोकन किया गया। बनाये गये विवाद बिन्दुओं का विनिश्चय निम्न प्रकार किया जाता है :—

बिन्दु संख्या 1-2 व 4 :—प्रार्थी का कथन है कि उसकी नियुक्ति अप्रार्थी संख्या-1 के मौखिक आदेशानुसार अप्रार्थी संख्या-2 ने अपनी अधीनस्थ शाखा, सीकर में दिनांक 1-4-84 से 250/- रुपये माहवार पर की थी, तभी से वह मैसेन्जर, फरांश, पानी पिलाना, सफाई कार्य व केन्द्रीय बैंक का कार्य करता आ रहा था। दिनांक 3-12-97 को अप्रार्थी संख्या-2 ने मौखिक आदेश के द्वारा उसे सेवा से पृथक कर दिया। कार्य किये जाने के बाबत भुगतान का इन्द्राज, पेटी केश वाउचर व वेतन भुगतान रजिस्टर में होता था। प्रतिपरीक्षा में उसने स्वीकार किया कि उसने केन्द्रीय बैंक का काम सन् 84

से 97 तक किया था। उसका कथन है कि उने वेतन बैंग से मिलता था व न कि समिति से। बैंग में समिति वनी हुई हो तो वह नहीं समझता। उसका वेतन 250/- रुपये से बढ़ाकर 500/- रुपये हो गया था। भुगतान उसे बैंक द्वारा होता था। विज्ञापन दिनांक 1-5-91 के अनुसूचण में उसी कोई आवेदन प्रस्तुत नहीं किया। उसने कार्य का विवरण प्रदर्श डब्ल्यू-9 एक वागज पर इन्द्राज नोट कर तैयार का पेज किया। उसने इस सुझाव को गलत बताया कि उसने केन्टीन बाँध के अतिरिक्त अन्य कोई कार्य नहीं किया हो व कहा कि उसने मैसेजर, किताब व बक्शा आदि उठाने का कार्य किया है। दिनांक 22-2-97, 28-5-93 व 14-1-95 प्रमाण-पत्र प्रदर्श डब्ल्यू-5, 6 व 8 जो प्रार्थी द्वारा प्रस्तुत किये गये में भी प्रार्थी के द्वारा बैंक का शाखा, सीकर में केन्टीन बाँध का कार्य करने के बाबत उल्लेख है। प्रार्थी ने जो कार्य विवरण प्रदर्श डब्ल्यू-9 प्रस्तुत किया है, उसमें सन् 84 से 97 तक प्रार्थी के द्वारा समय-समय पर बैंक की उक्त शाखा में पानी भरने, सफाई करने व पुराने रिकार्ड को ठीक करने आदि के कार्य करने की मजदूरी की राशि का उल्लेख है।

दूमरी ओर विपक्षी की ओर में प्रस्तुत साक्षी बट्टी-नारायण यादव का कथन है कि वह बैंक की शाखा सीकर में अप्रैल, 99 से कार्यरत है। वह पूर्व में भी सन् 82 से सन् 84 तक उक्त शाखा में कार्यरत रहा है। प्रार्थी को बैंक ने कोई नियुक्ति नहीं दी व न उसे कुली, फरीश, मैसेजर के रूप में रखा। प्रार्थी केन्टीन बाँध का काम समिति के अधीन करता था, जिसका भुगतान प्रति माह समिति द्वारा किया जाता था। प्रार्थी को प्रारम्भ में सन् 84 में केन्टीन बाँध के रूप में 250/- रुपये, दिसम्बर, 90 से 500/- रुपये व नवम्बर, 96 से 700/- रुपये माहवार मजदूरी का भुगतान किया गया। मई, 84 में अगस्त, 93 तक के भुगतान बाबत रजिस्टर प्रदर्श एम-1 में वेतन प्राप्ति के प्रार्थी के ए से बी हस्ताक्षर है। रजिस्टर प्रदर्श एम-2 समिति की नोट बुक पर भी मजदूरी प्राप्त करने के प्रार्थी के ए से बी हस्ताक्षर है। दिनांक 1-12-97 के पश्चात् प्रार्थी ने केन्टीन बाँध का कार्य छोड़ दिया, जिसके पश्चात् राजतराम सैनी, केन्टीन बाँध का कार्य कर रहा है। प्रार्थी को बैंक के द्वारा भुगतान किया जाता था। भुगतान से संबंधित प्रदर्श एम-3 पर ए से बी हस्ताक्षर प्रार्थी के है। प्रार्थी की सेवा बैंक के द्वारा कभी नहीं ली गई। उसने इस सुझाव को गलत बताया कि प्रार्थी ने अप्रैल, 84 से फरीश, मैसेजर व पानी पिलाने का कार्य किया हो व उसका भुगतान पैटी केश वाउचर से किया गया हो। उसने स्वीकार किया कि शाखा प्रबंधक समिति का अध्यक्ष होता है व केन्टीन का संचालन सचिव करता है, वह बैंक का बाब होता है व समिति के फण्ड से केन्टीन बाँध को भुगतान होता है। सचिव व अध्यक्ष को बैंक के कर्मचारी के रूप में वेतन मिलता है। उन्हे अध्यक्ष व सचिव के कार्य के आधार पर वेतन नहीं मिलता।

इस सुझाव को गलत बताया कि प्रार्थी को बैंक से भुगतान हुआ हो। प्रार्थी को जा वैलकेटर फण्ड प्राप्त होता है उससे प्रार्थी को भुगतान किया गया था।

प्रार्थी के विद्वान प्रतिनिधि का तर्क है कि प्रार्थी से बैंक के द्वारा मैसेजर, सफाई, पानी पिलाने का कार्य भी केन्टीन बाँध के अतिरिक्त लिया गया, जिसका भुगतान पैटी केश वाउचर से किया गया था। उक्त रिकार्ड विपक्षी से नलब किये जाने हेतु दिनांक 8-9-2000 का आवेदन प्रस्तुत किया गया था जिस पर अप्रार्थी के द्वारा सन् 1996 व 97 के कुछ वाउचर पानी पिलाने की मजदूरी से संबंधित प्रस्तुत किये गये, परन्तु प्रार्थी के द्वारा अन्य कार्य करने के बाबत पैटी केश वाउचर प्रस्तुत नहीं किये गये। अतः अप्रार्थी के विरुद्ध रिकार्ड प्रस्तुत नहीं किये जाने के आधार पर निरुद्ध निकाला जाना चाहिये व प्रार्थी के द्वारा जो कार्य का विवरण प्रस्तुत किया गया है उसके आधार पर यह निरुद्ध निकाला जाना चाहिये कि प्रार्थी ने सन् 84 से सेवामुक्ति तक बैंक में केन्टीन बाँध के अतिरिक्त पानी भरने, सफाई करने व मैसेजर का कार्य भी किया। उनका तर्क है कि प्रार्थी को भुगतान किस स्रोत से किया गया, प्रार्थी का बैंक का कर्मचारी होने के निरुद्ध निकालने के बारे में महत्वपूर्ण नहीं है। उन्होंने अपने तर्क के समर्थन में 2000 लैब आई सी पेज 1495 (एम सी) इण्डियन ओवरसीज बैंक बनाम आई आ बी स्टाफ केन्टीन वर्क्स यूनियन व अन्य, जे टी 2001 (2) एस सी. 508 इंडियन पैट्रो कैमिकल्स कारपोरेशन लिमिटेड व एक अन्य बनाम श्रमिक सेवा व एक अन्य, जे टी 2001 (2) एस सी 376 बरात फीज वर्तन लिमिटेड आदि बनाम स्टेट ऑफ कर्नाटक, आर एल डब्ल्यू 1992 (2) पेज 400 छोट्टराम बनाम स्टेट आफ राजस्थान व जे टी 2001 (1) एम सी पेज 36 बी एस टी इण्डस्ट्रीज लिमिटेड बनाम बी एस टी इण्डस्ट्रीज वर्क्स यूनियन व अन्य को उद्धृत किया है। अप्रार्थी के विद्वान अधिवक्ता का तर्क है कि प्रार्थी बैंक के नियोजन में नहीं रहा। विपक्षी के द्वारा प्रार्थी के आवेदन पर जो पानी भरने के बारे में वाउचर प्रस्तुत किये गये हे वे प्रार्थी की ओर से प्रमाणित नहीं कराये गये अतः उन्हे माध्य में नहीं पढ़ा जा सकता। उनका यह भी तर्क है कि प्रार्थी के द्वारा जो मैसेजर व अन्य कार्य का विवरण प्रस्तुत किया गया है उसका कोई आधार नहीं है। अतः प्रार्थी द्वारा प्रस्तुत कार्य के विवरण के आधार पर यह निरुद्ध नहीं निकाला जा सकता कि प्रार्थी ने बैंक में कोई कार्य किया। प्रार्थी के द्वारा केन्टीन बाँध का कार्य समिति के अधीन किया गया था जिस कार्य से बैंक का कोई सबध नहीं है। अतः प्रार्थी व बैंक के बीच कर्मचार व नियोजक का सबध स्थापित नहीं होता। उन्होंने अपने तर्क के समर्थन में ए माई आर 2000 एस सी पेज 1518 स्टेट बैंक ऑफ इण्डिया व अन्य बनाम स्टेट बैंक ऑफ इण्डिया केन्टीन एग्लाइज यूनियन को उद्धृत किया है।

2000 लैब. आई.सी. पृष्ठ 1495 के मामले में केन्टीन बैंक प्रमीसज में 15 वर्ष से भी अधिक समय से निरन्तर चलाई जा रही थी। केन्टीन चलाने के लिये इन्फा स्ट्रक्चर बैंक के द्वारा उपलब्ध कराया गया था। वित्तीय सहायता बैंक द्वारा दी गई थी। केन्टीन में कार्य के घण्टे व कार्य के दिन बैंक के कार्य के समान थे। बैंक में स्थित केन्टीन में कार्यरत कर्मचारियों को उच्चतम न्यायालय ने बैंक का कर्मचारी होना अभिनिर्धारित किया है। जे.टी. 2001(2) (एस.सी.) 508 के मामले में केन्टीन में कार्यरत कर्मचारियों को बतौर नियमित कर्मचारी के समाहित करने का आदेश उच्च न्यायालय के द्वारा दिया गया था, उसकी उच्चतम न्यायालय के द्वारा पुष्टि की गई। यह अभिनिर्धारित किया गया कि उच्च न्यायालय उक्त आदेश के भिन्न विवेचन नहीं कर सकता। जे.टी. 2001 (2) एस.सी. पेज 376 के मामले में यह अभिनिर्धारित किया गया कि कर्मकार का अर्थ किसी ऐसे व्यक्ति से है जो कि किसी स्थापन के कार्य के संबंध में नियोजित किया गया हो। आर.एल. डब्ल्यू. 1992 (2) 400 पर प्रकाशित मामले में यह अभिनिर्धारित किया गया है कि अधिनियम, 1947 की धारा 25-एफ एवं धारा 25-बी के लागू होने के लिए मजदूरी का भुगतान का स्त्रोत सुसंगत नहीं है। जे.टी. 2001 (1) एस.सी. पेज 36 पर प्रकाशित मामले में अपीलार्थी की फैंक्ट्री चालू होने के समय से केन्टीन अस्तित्व में थी। केन्टीन में कार्यरत कर्मचारी लम्बे समय से नियोजन में थे व ठेकेदारों के परिवर्तन होने पर भी वे केन्टीन में कार्य करते रहे थे। अपीलार्थी के द्वारा केन्टीन संचालित करने हेतु इन्फा स्ट्रक्चर उपलब्ध कराया गया था। केन्टीन में कार्यरत कर्मचारी की मजदूरी का भुगतान अपीलार्थी के द्वारा किया गया था। अपीलार्थी के द्वारा केन्टीन पर नियंत्रण था व अपीलार्थी के द्वारा केन्टीन की देखरेख की जाती थी। ठेकेदार अपीलार्थी का एजेंट था, जो कि अपीलार्थी के निर्देश व नियंत्रण में कार्य करता था। कर्मकारों को अपीलार्थी संस्था में निरन्तर नियोजन का संरक्षण प्राप्त था। यह अभिनिर्धारित किया गया कि केन्टीन अपीलार्थी प्रबंधन के द्वारा चलाई जा रही थी। ए.आई.आर. 2000 (एस.सी.) 1518 पर प्रकाशित मामले में ऐसी केन्टीन जो कि समिति के द्वारा स्टेट बैंक ऑफ इण्डिया के अन्तर्गत शाखाओं में उक्त बैंक की कल्याणकारी योजना के तहत संचालित थी, के कर्मचारियों को उक्त बैंक का कर्मचारी होना नहीं माना क्योंकि बैंक का कोई वैधानिक अथवा किसी संविदा के तहत ऐसी केन्टीन को चलाने का दायित्व नहीं था। बैंक केन्टीन में कार्यरत कर्मचारियों को नियुक्ति नहीं देता था व बैंक समिति द्वारा नियुक्त कर्मचारियों पर अथवा केन्टीन पर कोई नियंत्रण नहीं रखता था व न देखरेख करता था। बैंक केन्टीन में कार्यरत कर्मचारियों के विरुद्ध कोई अनुशासनिक कार्यवाही भी नहीं करता था व न ऐसे कर्मचारियों को कोई विशेष कार्य करने के लिए निर्देश देता था। इसके अतिरिक्त एक महत्वपूर्ण तथ्य यह भी था कि बैंक द्वारा नियुक्ति वैधानिक नियमों के तहत विज्ञापन, परीक्षा व साक्षात्कार के आधार पर की जाती थी जबकि केन्टीन में

नियुक्ति के लिए बैंक द्वारा ऐसे कोई नियम नहीं बनाए गए थे। इस कारण से भी कि समिति में बैंक के कर्मचारी थे जो प्रत्यक्ष रूप से बैंक के नियंत्रण में थे, यह निष्कर्ष नहीं निकाला गया कि केन्टीन में कार्यरत व्यक्तियों का निगोजक बैंक है।

प्रार्थी की ओर से जो प्रमाण-पत्र प्रदर्ण डब्ल्यू-5, 6, 8 प्रस्तुत किए गए हैं उनमें प्रार्थी को केन्टीन बाँय होना प्रमाणित किया गया है। विपक्षी की ओर से समिति का रजिस्टर भी प्रस्तुत किया गया है, जिसमें समिति के द्वारा प्रार्थी को वेतन का भुगतान किया गया है। प्रार्थी को बैंक प्रदर्ण एम-3 से एम-6 समिति के द्वारा जारी किए गए हैं। समिति के रजिस्टर प्रदर्ण एम-1 के द्वारा प्रार्थी को बतौर केन्टीन बाँय के प्रतिमाह 250/- रुपये व तत्पश्चात् 500/- रुपये माहवार का भुगतान किया गया है। प्रार्थी स्वयं ने भी स्वीकार किया है कि वह केन्टीन बाँय का कार्य करता था। इस प्रकार इस बारे में पर्याप्त साक्ष्य अभिलेख पर है कि प्रार्थी सन् 1984 से समिति के अधीन केन्टीन बाँय का कार्य करता था व समिति के द्वारा ही उसे वेतन का भुगतान होता था। प्रार्थी का समिति के द्वारा संचालित केन्टीन में केन्टीन बाँय के रूप में कार्य करने के आधार पर ए.आई.आर. 2000 मुझीम कोर्ट पेज 1518 न्याय दृष्टांत को दृष्टिगत रखते हुए यह निष्कर्ष नहीं निकाला जा सकता है कि प्रार्थी बैंक के नियोजन में था। प्रस्तुत मामले के तथ्य उक्त न्याय दृष्टांत के तथ्यों के समान हैं। 2000 लैब.आई.सी. पृष्ठ 1495 व जे.टी. 2001 (1) एस.सी. 36 के मामले के तथ्य प्रस्तुत मामले के तथ्यों से भिन्न हैं। प्रस्तुत मामले में ऐसी कोई साक्ष्य नहीं है कि इन्फा स्ट्रक्चर बैंक के द्वारा उपलब्ध कराया गया था। वित्तीय सहायता बैंक के द्वारा उपलब्ध कराई जा रही थी व केन्टीन में कार्य के घण्टे बैंक के कार्य के घण्टों के समान थे। ऐसी कोई साक्ष्य नहीं है कि प्रार्थी के द्वारा केन्टीन बाँय के रूप में कार्य करने का भुगतान बैंक के द्वारा किया गया था व बैंक का केन्टीन पर कोई नियंत्रण था अथवा प्रार्थी को केन्टीन बाँय के रूप में निरन्तर कार्य करने का कोई संरक्षण प्राप्त था। जे.टी. 2000 (2) एस.सी. 508, आर.एल. डब्ल्यू. 1992 (2) पेज 400, जे.टी. 2001 (2) एस.सी. पेज 376 न्याय दृष्टांतों से इस निष्कर्ष पर पहुंचने में कोई सहायता नहीं मिलती कि प्रार्थी बैंक के नियोजन में माना जाएगा।

प्रार्थी का कथन है कि वह केन्टीन बाँय के अतिरिक्त मैसेन्जर, फर्राश, सफाई एवं पानी पिलाने का कार्य बैंक की शाखा में करता था व बैंक उसे उक्त कार्य के लिए भुगतान करता था। विपक्षी की ओर से प्रार्थी के द्वारा केन्टीन बाँय के अतिरिक्त अन्य कार्य से इंकार किया गया है। यह उल्लेख करना उचित होगा कि प्रार्थी की ओर से दस्तावेज तलब किए जाने के प्रार्थना-पत्र के जवाब में विपक्षी की ओर से प्रस्तुत जवाब दिनांक 18-12-2000 में स्वीकार किया गया है कि प्रार्थी ने बैंक में कभी कभी पानी भरा था, जिसकी उसे मजदूरी दे दी गई थी जिस बारे में दस्तावेज की फोटो

प्रति प्रस्तुत कर दी गई है। इससे यह विवादित नहीं रहता कि प्रार्थी ने बैंक की उक्त शाखा में पानी भरने का कार्य किया, जिसकी मजदूरी उसे दी गई। अप्रार्थी के द्वारा पानी भरने के संबंध में जो वाउचर प्रस्तुत किए गए हैं उसके अनुसार सितम्बर, 96 में 17 दिन, जुलाई, 97 में 20 व सितम्बर, 97 में 13 दिन के वाउचर प्रस्तुत किए गए। जवाब में यह भी उल्लेख किया गया कि अन्य कोई दस्तावेज बैंक के कब्जे में नहीं है। यह भी उल्लेख किया गया कि बैंक में चाहा गया रिकार्ड उपलब्ध नहीं है क्योंकि काफी सारा रिकार्ड कुछ समय पहले नष्ट कर दिया गया था। इस बाबत ओमप्रकाश गुप्ता, लेखापाल के द्वारा शपथ-पत्र भी प्रस्तुत किया गया है कि इसके अतिरिक्त अन्य कोई रिकार्ड बैंक में उपलब्ध नहीं है व काफी सारा रिकार्ड पूर्व में ही नष्ट किया जा चुका है। बैंक की ओर से इस बाबत कोई रिकार्ड पेश नहीं किया गया, जिसमें यह उल्लेख होता कि प्रार्थी द्वारा चाहा गया पैटी केश वाउचर किस तारीख को नष्ट किया गया है। ऐसा भी कोई नियम अथवा कोई आदेश अथवा परिपत्र प्रस्तुत नहीं किए गए कि कितने वर्ष पुराना रिकार्ड नष्ट किए जाने योग्य होता है। यह भी उल्लेख करना उचित होगा कि विपक्षी शूद्ध हस्त से नहीं आया। पहले तो बैंक ने इंकार ही कर दिया कि केन्टीन बाँय के अतिरिक्त प्रार्थी ने अन्य कोई कार्य नहीं किया, परन्तु बाब में प्रार्थी के द्वारा दस्तावेज तलब किए जाने के अर्थानुसार के जवाब में स्वीकार किया कि प्रार्थी ने बैंक की शाखा में पानी भरने का कार्य किया। प्रार्थी के कथनानुसार उसने बैंक की शाखा में केन्टीन बाँय के अतिरिक्त अन्य कार्य किया। विपक्षी की ओर से बदीन्द्ररायण यादव को साक्ष्य में प्रस्तुत किया गया है, जिसका कथन है कि प्रार्थी ने बैंक की शाखा में कोई कार्य नहीं किया। उक्त साक्षी सन् 1985 से प्रार्थी की सेवा समाप्त तक बैंक की शाखा में पदस्थापित ही नहीं था। अतः उसे उक्त समय में प्रार्थी के द्वारा कार्य करने के बारे में कोई व्यक्तिगत जानकारी होना नहीं कही जा सकती। बैंक की ओर से उक्त समय में पदस्थापित शाखा प्रबंधकों को प्रार्थी के कथन का खण्डन करने हेतु साक्ष्य में प्रस्तुत नहीं किया गया। ओमप्रकाश गुप्ता जिसने कि शपथ-पत्र में उल्लेख किया है कि प्रार्थी ने बैंक में मैसेन्जर तथा सफाई का कार्य नहीं किया है, भी उक्त समय में बैंक में पदस्थापित नहीं था। अतः उसे भी प्रार्थी के कार्य के बारे में व्यक्तिगत जानकारी होना नहीं कही जा सकती। यह भी उल्लेख नहीं किया कि वह उक्त कथन किस आधार पर कहता है। इस प्रकार प्रार्थी का कथन कि उसने बैंक में उक्त अवधि में मैसेन्जर व सफाई का कार्य किया, का खण्डन विपक्षी की ओर से नहीं हो पाया है। इस बारे में तो कोई विवाद नहीं है कि प्रार्थी ने जो अपने कार्य का विवरण प्रदर्शित उल्लेख-9 प्रस्तुत किया है, वह न तो असल है व न प्रमाणित प्रतिलिपि। परन्तु विपक्षी भी प्रार्थी द्वारा चाहे गए प्रलेख प्रस्तुत नहीं कर सका है। ऐसी दशा में यह नहीं कहा जा सकता कि प्रार्थी के द्वारा प्रस्तुत कार्य का विवरण आधारहीन है। इस प्रकार यह प्रमाणित है कि प्रार्थी ने समिति के अधीन संचालित केन्टीन में केन्टीन बाँय के अतिरिक्त बैंक

की शाखा में अन्य कार्य जैसे मैसेन्जर, सफाई व पानी पिलाने के कार्य किए।

एक अंशकालीन कर्मचारी भी कर्मकार की श्रेणी में आता है। इस बारे में आर.एल.डब्ल्यू. 1989 (2) पेज 290 यशवन्त सिंह यादव बनाम स्टेट ऑफ राजस्थान का अवलोकन किया जा सकता है। इस प्रकार प्रार्थी का पारिश्रमिक के आधार पर बैंक में मैसेन्जर, सफाई, पीने का पानी भरने के कारण उसका सन् 1984 से 2-12-97 तक अंशकालीन नियोजन में होना व बैंक का कर्मकार होना प्रमाणित होता है। उसके द्वारा उक्त अवधि में सेवामुक्ति की तारीख 3-12-97 से पूर्व के एक वर्ष में 240 दिन से अधिक अंशकालीन कर्मकार के रूप में कार्य करना भी प्रमाणित होता है।

विन्दु संख्या:-3 यह विवादित नहीं है कि अप्रार्थी की ओर से इंकार किया गया है कि प्रार्थी बैंक के नियोजन में नहीं था, अतः उसकी सेवामुक्ति का प्रश्न उत्पन्न नहीं होता। यह प्रमाणित हो चुका है कि प्रार्थी ने बैंक में अंशकालीन कर्मचारी के रूप में कार्य किया। प्रार्थी के द्वारा सेवा समाप्ति के बारे में विपक्षी को नोटिस भी दिया गया है। उसके द्वारा समझौता अधिकारी के समक्ष विवाद भी उठाया गया है। ऐसी परिस्थितियों में यह नहीं माना जा सकता कि अप्रार्थी के द्वारा प्रार्थी की सेवा समाप्त नहीं की गई। सभी प्रकार की सेवा समाप्ति जो धारा 2(ओओ) में दी गई छंटनी की परिभाषा के अन्तर्गत अपवाद के तहत न आती हो, छंटनी के तहत आती है। ऐसी कोई साक्ष्य नहीं है कि प्रार्थी की सेवा समाप्ति छंटनी के अपवाद के तहत आती है। इस बारे में कोई विवाद नहीं है कि प्रार्थी की सेवा समाप्ति से पूर्व प्रार्थी को न तो एक माह का नोटिस दिया गया न नोटिस वेतन व न छंटनी का मुआवजा। इस प्रकार अप्रार्थी के द्वारा प्रार्थी की सेवा समाप्ति अधिनियम, 1947 की धारा 25-एफ का उल्लंघन कर किया जाना प्रमाणित होता है। प्रार्थी का कथन है कि क्षेत्रीय स्तर पर कोई वरिष्ठता सूची नहीं बनाई गई। क्षेत्रीय स्तर पर वरिष्ठता सूची बनाया जाना कैसे आवश्यक है, यह नहीं बताया गया। प्रार्थी बैंक की शाखा सीकर में अंशकालीन कर्मचारी के रूप में कार्य करता था व उसका नियोजक उक्त शाखा का शाखा प्रबंधक था। ऐसी स्थिति में क्षेत्रीय स्तर पर वरिष्ठता सूची बनाये जाने का प्रश्न उत्पन्न नहीं होता। प्रार्थी का कथन है कि रींगस शाखा में उससे कनिष्ठ जगदीश जाट जो कि केन्टीन बाँय के पद पर कार्यरत था, को मई, 1991 में मैसेन्जर के पद पर स्थाई कर दिया। केन्टीन बाँय के रूप में कार्यरत कर्मचारी को बैंक के नियोजन में होना नहीं पाया गया। अतः केन्टीन बाँय के रूप में नियोजन को वरिष्ठता का आधार नहीं बनाया जा सकता। अतः अधिनियम, 1947 की धारा 25-जी व अधिनियम, 1957 के अधिनियम 77, 78 का उल्लंघन करना प्रमाणित नहीं है।

विन्दु संख्या:-5: अप्रार्थी के द्वारा प्रार्थी की सेवा समाप्ति दिनांक 3-12-97 अधिनियम, 1947 की धारा 25-एफ

का उल्लेखन किए जाने के कारण अवैध एवं अनुचित पाई जाती है। प्रार्थी के द्वारा केन्द्रीय बैंक के रूप में कार्य करते हुए अणकालीन कर्मचारी के रूप में कार्य करने के आधार पर बैंक के नियोजन में होने का निष्कर्ष निकाला गया है। उक्त परिस्थितियों में प्रार्थी को कार्य नहीं तो मजदूरी नहीं के सिद्धान्त पर पिछली मजदूरी दिलाया जाना उचित प्रतीत नहीं होता। प्रार्थी अप्रार्थी बैंक के नियोजन में पुनः आन का अधिकारी होगा व उसकी सेवा बैंक में निरन्तर मानी जाएगी। अप्रार्थी अधिनियम, 1947 की धारा 25-एफ की पालना कर प्रार्थी को सेवा समाप्त करने के लिए स्वतंत्र होगा।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम, 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाश-नार्थ प्रेषित की जाए।

ह./- अटनीय
पीठासीन अधिकारी

नई दिल्ली, 17 जुलाई, 2001

का आ 1989 --औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-12012/176/98-आई आर (बी-II)]
सी गंगाधरण, अवर सचिव

New Delhi, the 17th July, 2001

S O. 1989.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court-II, Mumbai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 16-7-2001.

[No. L-12012/176/98-IR(B-II)]
C GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

S N. Saundankar, Presiding Officer.

Reference No. CGIT-2/65 of 1999

Employers in relation to the management of
Dena Bank.

2347 GI/2001—7.

The Asstt. Gen. Manager(P),
DB, 7th Floor,
Maker Towers, 'E' Wing,
P. B No. 6058, Cuffe Parade,
Mumbai-400 005.

AND

Their Workmen.
The General Secretary,
Dena Bank Employees Union,
17, Horniman Circle, Fort,
Mumbai-23.

APPEARANCES :

For the Employer —S/Shri S. K. Talsania and
J. K. Mistry Advocates.

For the Workmen.—Mr. M B. Anchan Advocate.

Mumbai, dated 22nd June, 2001

AWARD

The Government of India, Ministry of Labour, by its Order No L 12012/176/98/IR(B-II), dated 25-2-1999/8-3-1999, have referred the following dispute for adjudication to this Tribunal in exercise of powers conferred on it by clause(d) of Sub-section (1) and Sub-section(2A) of Section 10, of the Industrial Disputes Act, 1947.

“Whether the action of the management of Dena Bank, Mumbai in superannuating the workman, Shri C R. Tiwari by treating his date of Birth as 15-3-1937 is justified? If not, then what relief the workman is entitled to?”

2. The facts of the present case in short are as under .

The workman Shri C R Tiwari had entered into service of the Dana Bank, as a watchman on 9-10-62. He had then given his age roughly as 25 years. He was not asked to submit his School Leaving Certificate in proof of his age. He applied for promotion to the post of clerk in the year 1979. At that time the bank asked him to submit proof regarding his age and qualification and accordingly he had submitted the School Leaving Certificate issued by the Board of High School and Intermediate Education, U.P. showing his date of birth as 15-9-1943 and qualification. The bank accepted the said certificate and promoted him to the post of clerk in the year 1980 and recorded his date of birth as 15-9-1943 in his service records. It is contended according to this certificate his date of retirement would be 30-9-2003, however the bank vide its letter Ref. No 172/97 dated 6-2-1997 informed him that he would be completing 60 years of age on 31-3-97, and as such he would be retired from 31-3-97. It is contended on making complaint by the workman regarding his premature retirement the bank rectified its mistake vide letter dated 27-3-1997 informing him as per the School Leaving Certificate submitted by him his date of birth was recorded as 15-9-1943 and accordingly his date of retirement would be 30-9-2003. However it is contended, subsequently

the General Manager issued him a notice dated 21-6-1997 mentioning therein that the workman's date of birth in the Service Record has not been changed and that his date of birth is 15-3-1937 and not 15-9-1943, as there is no written representation, from the workman for change of his date of birth and by that letter, he cancelled the letter of the Dy. Gen. Manager (P) dated 6-2-1997, issued to him. It is contended workman approached the appropriate authority, however they did not take decision and asked him to give explanation as to why he should not be retired w.e.f. 31-3-1997. Accordingly workman had given his explanation on 4-7-1997. However by an order dated 1-9-1997 the bank retired him from service with retrospective effect from 31-3-1997, calling upon him to repay the salary and allowances and surrender the benefits if any received by him, for his service beyond 31-3-97. It is contended that, the bank did not ask about his age at the time of his appointment and that in the year 1979 only, he was asked to produce the school leaving certificate and accordingly he had produced and consequently he was promoted. In the year 1986 he applied for housing loan mentioning his date of birth as 15-9-1943 and later on, in 1994 for additional Housing loan and on that basis he was granted loan, and this date of birth mentions in the seniority list. It is contended the union had taken the matter to the appropriate authority and thereafter before the Assistant Labour Commissioner (C), however, conciliation failed, and therefore he had moved the Ministry.

3. The management, Dena Bank resisted the claim of the workman by filing Written Statement (Exhibit-7) contending that at the time of joining the service of the bank, workman had given his Bio-data under his own signature declaring his age as 25 years and date of birth as 15-3-37, and since then in his service record his date of birth was always 15-3-37 and it was never changed. It is contended workman was to retire on attaining the age of superannuation i.e. completion of sixty years on 31-3-1997 and accordingly he was given letter No. ESP : 172: 97 dt. 6-2-97 by the Deputy General Manager (Personnel) informing him that he would be completing the age of 60 years on 15-3-97 and would retire from service of the bank w.e.f. 31-3-97, in terms of para XIII(1) of the Bipartite Settlement dtd. 17-9-1984. It is contended, through some office bearers of the Dena Bank Employees Union, the workman orally represented to the said Deputy General Manager that the date of birth of the workman was 15-9-43 and not 15-3-37, as per the passing certificate issued by the Board of High School and Intermediate Education, U.P., and, therefore, the workman was entitled to continuous service upto 30th September, 2003. It is contended the Deputy General Manager (P) vide his letter No. EST : 526 : 97 dtd. 27-3-1997 addressed to Chief Manager advised that as per the School Leaving Certificate submitted by the workman his date of birth should be 15-9-43 and accordingly his date of retirement would be 30-9-2003 and that he advised to make necessary changes in the records of the Provident Fund and that the letter dtd. 6-2-97 be treated as cancelled, which was without authority, He was not competent authority to accept the change in the date of birth of any employee and to change the service record. It is contended noticing that

the workman was wrongly allowed to continue beyond 31-3-97 on account of unauthorised action on the part of the Deputy General Manager (P), a show cause notice dtd. 21-6-97 was issued to the workman by the General Manager calling upon him to show cause why he should not be retired w.e.f. 31-3-97, that is as per his original date of birth as recorded in his service record. On seeking explanation of the workman dtd. 4th July, 1997, the General Manager by his order dtd. 1-9-97 cancelled the letter EST : 526 : 87 dtd. 27-3-97 of the Deputy General Manager and directed that the workman would retire from the service of the bank w.e.f. 31-3-97 as per the retirement notice dtd. 6-2-97. It is contended that the only proof called for and submitted by the workman was that of his additional qualification while he was being considered for promotion to the post of clerk and that he was never asked to submit any proof of his age or date of birth. It is contended that the workman and the union suppressed that the workman in his own handwriting had specifically declared his date of birth as 15-3-37 and accordingly service book was maintained which was never changed. It is contended that application for housing loan was not checked properly by the person incharge while sanctioning the loan. The workman had never applied for correcting his date of birth in his service record and that the Deputy General Manager has no authority to change the record. For all these reasons it is contended that, as per the service record the workman retires on his superannuation i.e. after completion of 60 years on 31-3-97, and the action of the bank is legal and proper. The Union vide Rejoinder (Ex. 8) retire dated the recitals in the Statement of Claim.

4. On the basis of the pleadings my Learned Predecessor framed issue at Exhibit-10. The workman Chandrabhushan Ramsinger Tiwari examined himself at (Exhibit-12) and closed evidence vide purshis (Exhibit-32). On behalf of the management Dena Bank, Chief Manager (Personnel) Mr. Daniel Marandi was examined at (Exhibit-33) and evidence was closed vide purshis (Exhibit-34).

5. Heard the Learned Counsels Shri S. K. Talsania for the management and Shri M. B. Anchan for the union. I have gone through the written submissions filed by the union (Ex. 38/40) Perused record. On going through the record as a whole and hearing the counsels, I record my findings on the issues, for the reasons as under :—

Issues	Findings
1. Whether the action of the management of Dena Bank in superannuating the workman C. R. Tiwari by treating his date of birth as 15-3-37 is justified ?	Action of management is not legal and proper.
2. If not, what relief the workman is entitled to ?	As per order below.

REASONS

6. It is admitted position that workman Mr. C. R. Tiwari had entered into service of Dena Bank as watchman on 9-10-62, and that as per the Bi-partite

Settlement dated 17-9-84 the age of superannuation of the workman is sixty years. According to workman Mr. Tiwari, he had roughly given his age 25 years at the time of entering the service since he was not having his School Leaving Certificate at that time, and that when he applied for promotion to the post of clerk in the year 1979 the bank asked him to submit proof regarding his age and qualification and accordingly he had submitted the school leaving certificate issued by the Board of High School and Intermediate Education U.P. showing his date of birth as 15-9-1943 and qualification and that bank had accepted the said certificate and promoted him in the post of clerk in the year 1980 and since then the said date of birth was continued and therefore his date of retirement is 30-9-2003. The bank however contended that while applying for the post of watchman he had declared himself to be 25 years of age in an application dated 9-10-62 and that in the Bio-data under his own signature declared his date of birth as 15-3-37, and that since then in the service record his date of birth was always 15-3-37 and was never changed, and therefore he was to retire on attaining the age of superannuation on 31-3-97 and accordingly he was issued letter dated 6-2-1997.

7. It is in the evidence of workman that he had not given any application to the bank for getting employment. He however admits his signature on the Bio-data (Exhibit 9/1). This no doubt mentions the date of birth 15-3-37. The Learned Counsel Mr. S. K. Talsania for the bank at this juncture, submits that the bank management obtained the necessary Bio-data which admits clearly the signature of the workman. Under Sections 114(e) and (f) of the Indian Evidence Act the court may presume that the judicial and official acts have been regularly performed and the common course of business have been followed in the particular case. He submits that when the said workman declared his date of birth 15-3-37 in the Bio-data it will be presumed that his date of birth is 15-3-37. On the basis of this documents, the workman retires on 31-3-97. Presumption is urged by Mr. Talsania for the management is rebuttable. The bank's witness does not speak that as to how this Bio-data has come on record. On plain reading of the same, it does not bear the signature of the bank authority nor the date and does not show that it was received by the bank and that it was part of service record. This does not show that it was given by workman at the time of joining the service. Nothing on record to show that the bank recorded this date of birth in the service record of the workman. Bank's senior officer Mr. Marandi admits in cross-examination para 8 that when the workman joined the service he did not produce birth record. The Bio-data, on which management heavily relies to show the birth date of workman 15-3-37, does not speak that it was received by the bank, and when, no proof of age was produced at the time of entry into service, hardly presumption as urged by Mr. Talsania, Learned Counsel for the management, can be raised. The Bio-data is not at all helpful to the bank and therefore I find no substance in his submission.

8. The workman has filed School Leaving Certificate (Exhibit-11/2) to show his date of birth 15th September, 1943. Admittedly workman was promoted as clerk in the year 1980. The seniority list of the

clerical staff was admittedly prepared by the bank vide Exhibit-37. This clearly shows the name of the workman at serial No. 738 and his date of birth 15-9-43. The workman was sanctioned house loan in the year 1986 and that the Senior Branch Manager of the bank Mr. Marandi admits that, on the basis of the application and the certificate of the officer, the loan was sanctioned and that instalments of the loan is fixed taking into consideration the age of the workman that is remaining service period. Application for housing loan (Ex. 11/11) of the year 1986 and (Ex. 11/12) of the year 1994 clearly show the date of birth of workman 15-9-43 and the same was verified by the bank officer and found correct. Admittedly no action against the officer who verified the application forms was taken. When application for loan of the year 1986 mentioning the date of birth of workman 15-9-43 on verification found correct by the bank officer, in the year 1986, it is surprising on what strength the management say that Bio-data was furnished in 1962 wherein date of birth 15-3-37 mentioned and it was part of his service record and that cannot be changed. The Bank has admittedly prepared the computer sheets on the details of the employees including the workman. These sheets (Ex. 35, 36) of the years 1992 and 1993 also show the date of birth 15-9-43 and date of retirement 30-9-2003. A feeble attempt is made by the Senior Officer Mr. Marandi saying that these computer sheets were not issued by their department, however that does not implicit reliance. In fact, record of the bank itself shows that the workman would retire on 30-9-2003 on the basis of his birth date 15-9-43 and that they have not acted upon at any time on the so-called Bio-data (Ex. 9/1). Had really, workman given the Bio-data at the time of entering the service, bank officers would have taken note of that immediately or at least at the time of verifying the application for housing loan in the year 1986. This position goes against the management.

9. The Learned Counsel Mr. S. K. Talsania for the management submits that as per the bank rules service record does not change, and that service record only can be changed by the Chairman/Managing Director and that Deputy General Manager has no authority. The Senior Manager Marandi said that he would produce the necessary rules, however, no rules to that effect are produced.

10. It is significant to note that as seen from the letter of the Dena Bank dated 9-3-82 (Ex. 11/23) the Chief Officer (Personnel) on the application of its employee dated 4-3-82 (Ex. 11/22) Mr. Kashi Prasad Tiwari of Goregaon Branch (West) recorded at the verge of his retirement his date of birth 31-1-33, changing the earlier date of birth of the basis of School Leaving Certificate produced by him with his application mentioned above. If the Chief Officer changed the birth date of said Kashi Prasad Tiwari serving in Dena Bank only then Senior Officer i.e. Dy. General Manager how cannot change the record of the workman. On this back ground, the submission of the Learned Counsel that Deputy General Manager has no authority in the matter, is absolutely of the record.

11. In fact, the submission of the management that they cannot change the record of the workman itself is erroneous as on the alleged Bio-data (Ex. 9/1)

nothing on record to show that, they have taken entry to this effect in the service record and therefore the question of changing the date does not arise as the bank has taken note of the birth 15-9-43 as apparently seen from the bank record itself.

12. The date of birth of the employee is not only important for the employee but for the employer also. On the length of service put by the employee depends the quantum of retiral benefits he would be entitled. In this context the service record prepared by the bank referred to above throws light.

13. The Learned Counsel Mr. S. K. Talsania, submits that the court/tribunal should be very cautious in such matters because permitting the change in the date of birth is likely to cause frustration down the line resulting in causing an adverse effect on efficiency in functioning. He relied on G.M., Bharat Coking Coal Ltd. W.B. V. Shib Kumar Dushad 2001 LAB I.C. 28. I have gone through the said decision wherein Their Lordships of the Apex Court pointed out the consequences in change of birth at the belated stage. In the case in hand, nothing on record to show that the bank acted upon the date of birth 15-3-37 mentioned in the Bio-data (Exhibit 9/1) alleged to have been furnished by the workman at the time of joining the service. In fact the bank shows that the date of birth of workman in the service record is 15-9-43. Therefore the question of change on the birth date of workman does not arise. Consequently the said ruling is no avail for the management.

14. Mr. Talsania for the management submits that workman Mr. Tiwari entered in the service on 9th October, 1962 and that as per his admission in cross-examination para 13 he passed S.S.C. in 1958 and that School Leaving Certificate (Ex. 11/2) was prepared on 17th June, 1958. If that is so, he could have very well submitted the same to the bank at the time of entering the service in the year 1962 and that, act of filing this certificate is an after-thought with mala fide intention, and that this supports the contention that he had given birth date as 15-3-37 by way of Bio-data which was correct. At this juncture it is material to note that, prior to the nationalisation of the bank, no policy for recruitment of subordinate staff was framed. Therefore probably bank might not have asked information on the date of birth seriously, resulting in submitting then school leaving certificate. On this back ground I find no substance in the submission of Mr. Talsania

15. It is clearly seen from the record that at the time of entering the service, workman Tiwari was of 19 years of age. Therefore hardly find force in the submission of Mr. Talsania that the workman might be under age and therefore not disclosed the true birth date, with a view to get employment in 1962.

16. From the evidence on record it is clear that the date of birth of the workman Mr. Tiwari as per the bank record is 15-9-43 and not 15-3-37. Therefore, treating his date of birth 15-3-37 superannuating him on 30-3-97 is not legal and proper. Therefore action of the management is not just and proper and also not legal. Consequently Tiwari will have to be treated in continuous service till his superannuation i.e. 30-9-2003, resulting in getting consequential

monetary benefits. Issues are therefore answered accordingly and hence the order :

ORDER

The action of the management of Dena Bank, Mumbai in superannuating the workman Shri C. R. Tiwari by treating his date of birth as 15-3-37 is not just, proper and legal.

Mr. Tiwari would retire as per his date of birth in service record is 15-9-43, on superannuation on 30-9-2003.

He should be treated in continuous service and he is entitled to back wages and consequential monetary benefits.

S. N. SAUNDANKAR, Presiding Officer
नई दिल्ली, 17 जुलाई, 2001

का.आ. 1990.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-12011/53/99-आई. आर (बी-II)]

सी. गंगाधरन, अव्वर सचिव

New Delhi, the 17th July, 2001

S.O. 1990.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 16-7-2001.

[No. L-12011/53/99-IR(B-II)]

C. GANGADHARAN, Under Secy.
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE

Dated : 3rd July, 2001

PRESENT :

Hon'ble V. N. Kulkarni, Presiding Officer.
C.R. No. 103/99

I Party :

The General Secretary,
BOB Employees Union,
C/o Bank of Baroda,
P.B. No. 2, K.G. Road,
Bangalore-560 009.

IInd Party :

The Regional Manager,
BOB Registered Office,
No. 26, H. T. S. Chambers,
III Floor, Richmond Road
Bangalore.

APPEARANCES :

Ist Party : None.

IInd Party : None.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12011/53/99/IR(B-II) dated 31-8-1999 for adjudication on the following schedule.

SCHEDULE

“Whether the Bank of Baroda Employees Union is justified in claiming the rate of wages as per the hours of work shown in the Appointment Order issued to the part-time sweepers? Whether the part-time sweepers have actually worked for the hours shown in the Appointment Order, If so, whether the management of Bank of Baroda is justified in refusing to pay the higher rate of wage to the sweepers. If not, what relief the workmen are entitled to?”

2. None is present. The Central Government has raised the dispute.

3. When the Notices were issued, parties did not turn up. Many adjournments were given. It appears that the parties are not interested in the dispute and therefore, I proceed to pass the following order :

ORDER

Reference is rejected.

(Dictated to the L.D.C., transcribed by him, corrected and signed by me on 3rd July, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 17 जुलाई, 2001

का.अ. 1991.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधक के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-12012/43/95-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 17th July, 2001

S.O. 1991.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Government Industrial Tribunal/Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 16-7-2001.

[No. L-12012/43/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHENNAI

Friday, the 15th June, 2001

PRESENT :

K. Karthikeyan, Presiding Officer

Industrial Dispute No. 393/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 55/95)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Smt. S. Shanta and the Management of Bank of Baroda, Coimbatore.)

BETWEEN

The General Secretary, Ist Party/Claimant
Bank of Baroda
Employees Association,
Coimbatore.

AND

The Regional Manager (TN II) .. IInd Party/Management
Bank of Baroda, Coimbatore

APPEARANCES :

For the Claimant : M/s. Aayar & Dolia & C. R.
Chandrasekaran, Advocates.

For the Management : M/s. K.S.V. Prasad & S.
Gunaseclam, Advocates.

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-12012/43/95-IR(B-II) dt. 25-8-1995 :—

“Whether the action of the Management of Bank of Baroda, Coimbatore in imposing the penalty of stoppage of two increments with commulative effect on Smt. S. Shanta, Shroff-cum-Clerk vide their order dated 5-9-91 is legal and justified? If not, to what relief is the said workman entitled?”

This dispute on coming up before me for final hearing on 15-6-2001, the counsel for the I Party Union as well as the II Party Management were present. The learned counsel for the I Party Claimant Union represented that the concerned workman referred to in the industrial dispute under reference Smt. S. Shanta has since been relieved by the II Party Management on voluntarily retirement scheme recently. So, the I Party Claimant Union has decided to withdraw this industrial dispute and hence the I Party Claimant Union may be permitted to withdraw this claim made in this industrial dispute. The learned counsel for the I Party Claimant Union had also made an endorsement to that effect today in the Claim Statement filed by the I Party Claimant.

2. The learned counsel for the II Party Management had expressed that the II Party Management had no objection for the I Party Claimant Union to withdraw this claim made in the present industrial dispute as it is represented by the learned counsel for the I Party Claimant Union and has stated that the management had incurred expenses in defending this industrial dispute to the tune of Rs. 5,000 and it may be considered and he made an endorsement to that effect in the Claim Statement of the I Party Claimant.

3. Since the I Party Claimant Union which espousing the cause of the concerned workman Smt. S. Shanta had decided to withdraw this claim made in this industrial dispute and a request has been made by the counsel on record for the I Party Claimant to withdraw this industrial dispute and had made an endorsement to that effect in the Claim Statement, I Party Claimant Union is permitted to withdraw this industrial dispute. The learned counsel for the II Party Management by his endorsement on the Claim Statement requested this Tribunal to consider the expenses of Rs. 5,000/- incurred by the II Party Management in contesting the industrial dispute while disposing of this case.

4. From the endorsement made by the learned counsel for the I Party Claimant Union, it is seen that the II Party Management, Bank of Baroda had relieved the concerned workman on voluntarily retirement scheme recently. While doing so, the II Party Management bank had not considered about the expenses incurred by it in defending this industrial dispute before the Tribunal from 1995 onwards. So, under such circumstances, I feel that the request made by the learned counsel for the II Party Management for considering the expenses made by the Management in defending this industrial dispute does not assume any importance for consideration. Hence, it is concluded that that the request made by the learned counsel for the II Party Management on this aspect cannot be considered.

5. In the result, an award is passed holding that 'no dispute' exists between the parties as referred to in the Schedule, since the I Party Claimant has withdrawn the same. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 15th June, 2001.)

K. KARTHKEYAN, Presiding Officer

Witnesses Examined :

On either side : None.

Documents Marked :

For the I Party Claimant : Nil

For II Party Management : Nil.

नई दिल्ली, 18 जुलाई, 2001

का.ग्रा. 1992--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अन न्यायान्ध, जबलपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-01 को प्राप्त हुआ था।

[स. एल-12012/417/96-आई आर (बी-II)]

सी गंगाधरण, अवर सचिव

New Delhi, the 18th July, 2001

S.O. 1992.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 16-7-2001.

[No. L-12012/417/96-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/266/97

Presiding Officer : SHRI K. M. RAI

Shri Ramesh Chandra Verma.

14-A, 'T' Ward,

Sainik colony, Bairagarh,

Bhopal.

Applicant.

Versus

The Regional Manager,

Central Bank of India,

E-3/50, Area colony.

Bhopal.

Non-applicant.

AWARD

(Passed on this 6th day of July, 2001)

1. The Government of India, Ministry of Labour vide order No. L-12012/417/96/IR

B- II dated 29-8-97 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Central Bank of India in terminating instead of regularising the services of Shri Ramesh Chandra after facing an interview for regularisation is justified or not? If not, to what relief the applicant is entitled?”

2. The case for the workman is that in the month of Dec. 1989, he was appointed as peon on daily wage basis by the Central Bank of India, Bhopal. He had regularly performed his duty as peon and was transferred to the Bank Branches at Immaigate branch, Ibrahimपुरा branch and regional office. He was called for interview by the letter dated 12-3-91 for permanent appointment as peon against the vacancy of General candidate as he was eligible for the same. In the interview, he was declared successful and even then, the appointment order for the permanent post of peon was not given to him. He has acquired the status of regular employee and therefore he is entitled to get the permanent appointment for the post of peon in the Bank. The direction in this connection is therefore solicited.

3. The case for the management is that the workman was given temporary appointment on daily wages for a period commencing from 2-5-90 to 11-6-90 at Imamigate Branch. Thereafter his services were discontinued. There was no vacancy in the bank. After this period the workmen did not perform his duty in the Bank at all. On 14-3-93, the written test was conducted by the bank for the appointment of sub-ordinate staff and the applicant was intimated to appear in the test. In that test, 23 other candidates had also participated. This test was conducted for the appointment of the peon against the vacancies for the candidates of SC and ST only as per direction of Government of India. The workman was not SC and ST candidate and therefore he was not entitled to get the appointment for the post of peon in the Bank.

3. The management further alleges that the workman was not a candidate of SC and ST category and therefore he was not selected for the appointment as peon. At the same time the workman worked only for a limited period of time in the Regional office at Imamigate Branch in the year 1983. He never

continuously worked for 180 days in the Bank. He worked only for 30 days in the Bank. In view of this fact, he is not entitled to get the required appointment as peon in the Bank.

4. In view of all these facts, the claim of the workman deserves to be rejected.

5. The following issues arise for decision in this case and my findings thereon are noted hereinafter :—

1. Whether the workman is entitled to the regularisation of service as claimed by him?

2. Relied and costs.

7. Issue No. 1.—The claim of the workman is that he was appointed peon on daily wage basis by the Bank in the month of Dec. 1989. He has not filed an order of appointment to show that he had been appointed in the month of Dec. 1989 to perform the duty of peon in the Bank. The Bank has admitted that he was appointed as peon for a fixed period of time in the year 1990 only. After expiry of this period, the workman did not discharge his duty in the Bank at all. The workman had also not filed any document to show that he had continuously worked for 240 days in a calendar year preceding the date of his termination from service. The burden was on the workman to prove that he had attained the status of regular employee by discharging his duty in the Bank.

8. The claim of the workman is that he was called for interview on 14-3-93 for appointment as permanent peon in the Bank. He was declared successful and even then the appointment was not issued to him. The contention of the bank is that the permanent vacancy for the post of peon was for the candidate of SC and ST only and therefore the successful candidate of this category was given the regular appointment as per direction of the Government of India. There was no vacancy for the general category candidate and therefore no appointment order was issued to the workman as he did not belong to the reserved category. The workman has not been able to establish by adducing cogent evidence that there was clear vacancy for the post of peon in the Bank for general category also. In the absence of such evidence it is not possible to hold that the vacancy for peon was not reserved for SC and ST candidate only. The burden was on

the workman to prove that the said vacancy was for the General Candidate also. He has failed to discharge his burden by not producing the cogent evidence in the case. Merely by appearing in the test for appointment to a particular post, will not create any right for getting the appointment from the employer. The workman does not belong to a reserved category and therefore he is not entitled to get the appointment for the post reserved for SC and ST candidates. In view of all these facts, the workman is not entitled to the regularisation as claimed by him. Issue No. 1 is answered accordingly.

8. Issue No. 2.—In view of my finding given on issue No. 1, the workman is not entitled to the regularisation as claimed by him. The reference is accordingly answered in favour of the management and against the workman.

9. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.प्र. 1993.—: औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-42012/162/92-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 1993.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16th July, 2001.

[No. L-42012/162/92-FR(DU)]

KULDIP RAI VERMA Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-1 ABOUR COURT, CHANDIGARH

I.D. No. 11 of 1994

Sh. Amar Singh S/o Sh. Thambu Ram,
H. No. 40, Near Hanuman Mandir,
Bhagat Nagar, Hissar.

... Petitioner.

Verus

Director,
Central Institute for Research on Buffaloes,
Hissar, Haryana.

... Management.

APPEARANCES.

For the workman--Shri Darshan Singh.

For the management--Shri R. K. Sharma,
Advocate.

AWARD

(Passed on 8th of June 2001)

The Central Government vide Gazette Notification No. L-42012/162/92-I.R.(D.U.) dated 16-12-93 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Sh. Amar Singh, S/o Shri Thambu Ram w.e.f. May, 1988 is justified? If not, what relief the workman concerned is entitled to and from what date?"

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh,

8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.प्र. 1994.—: औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-42012/174/94-आई आर (डी. य.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 1994.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16th July, 2001.

[No. L-42012/174/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer
ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 69/95

Sh. Dharambir S/o Sh. Tara Chand,
C/o Sh. Darshan Singh, President,
District Agriculture Workers Union,
123/5, Jawahar Nagar, Hissar.

... Petitioner.

Versus

Director,
Central Institute for Research on Buffaloes,
Hissar, Haryana.

... Management.

APPEARANCES :

For the workman—Shri Darshan Singh.

For the management—Shri R. K. Sharma,
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide Gazette Notification No. L-42012/174/94-I.R.(D.U.) dated 4-8-95 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Dharambir Daily paid labour w.e.f. 1-11-87 is just, fair and legal? If not, what relief the workman is entitled and from which date?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh,
8-6-2001.

B. L. JATAV, Presiding Officer

2347 GI/2001--8.

नई दिल्ली, 16 जुलाई, 2001

का.आ. 1995—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पचाटको प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/175/94-आई आर. (डी. यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 1995.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16th July, 2001.

[No. L-42012/175/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 71 of 1995

Smt. Kanta W/o Sh. Pal Singh,
C/o President,
District Agriculture Workers Union,
123/5, Jawahar Nagar, Hissar.

... Petitioner.

Versus

Director,
Central Institute for Research on Buffaloes,
Hissar, Haryana.

... Management.

APPEARANCES :

For the workman—Shri Darshan Singh.

For the management—Shri R. K. Sharma,
Advocate.

AWARD

(Passed on 3th of June, 2001)

The Central Government vide Gazette Notification No. L-42012/175/94-I.R.(D.U.) dated 4-8-95 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of

Shrimati Kanta W/o Shri Pal Singh ex-beldar w.e.f. 1-4-1990 is just, fair and legal? If not, what relief she is entitled and from what date?"

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh.
8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 1996.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/177/94 आई आर (डी. यू.)
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 1996.—In pursuance of the Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16th July, 2001.

[No. L-42012/177/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

I.D. No. 70 of 1995

Sh. Inder Singh S/o Sh. Chuni Lal,
C/o Sh. Darshan Singh, President,
Distt. Agriculture Workers Union,
Gali No. 5, H. No. 123, Jawahar Nagar,
Hissar.

... Petitioner.

Versus

Director,
Central Institute for Research on Buffaloes,
Hissar, Haryana.

... Management.

APPEARANCES :

For the workman—Shri Darshan Singh.

For the management—Shri R. K. Sharma,
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide Gazette Notification No. L-42012/177/94-I.R.(D.U.) dated 4-8-95 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of the Director, Central Institute for Research on Buffaloes, Hissar in terminating the services of Sh. Inder Singh S/o Sh. Chuni Lal ex-beldar is proper legal and justified? If not, to what relief he is entitled and from what date?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh,
8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 1997.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/113/92-आई आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 1997.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16th July, 2001.

[No. L-42012/113/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 134/93

Sh. Mahabir,
C/o President,
Distt. Agriculture Workers Union,
123/5, Jawahar Nagar,
Hissar-125 001.

... Petitioner.

Versus

Director,
Central Institute for Research on Buffaloes,
Hissar, Haryana.

... Management.

APPEARANCES :

For the workman—Shri Darshan Singh.

For the management—Shri R. K. Sharma,
Advocate

AWARD

(Passed on 8th of June, 2001)

The Central Government vide Gazette Notification, No. L-42012/113/92-I.R.(D.U.), dated 20-10-93 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Sh. Mahabir w.e.f. 31-3-89 is justified? If not, what relief the workman concerned is entitled to and from what date?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh,
8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.ग्रा. 1998.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/135/91- ग्राई आर (जी. यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 1998.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes, and their workman, which was received by the Central Government on 16 July, 2001.

[No. L-42012|135|91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 122|92

Miss Banti D/o. Sh. Harsa Ram,
Tibba Danasher, Ward No. 11,
Bharat Nagar, Hissar-125002. .. Petitioner.

Versus

Director,
Central Institute for Research on Buffaloes,
Hissar, Haryana. .. Management.

APPEARANCES :

For the workman.—Shri Darshan Singh

For the management.—Shri R. K. Sharma, Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Govt. vide Gazette Notification No. L-42012|135|91-I.R. (D.U.) dated 3-9-92 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Miss Banti w.e.f. 30-4-1991 is justified? If not, what relief the workman concerned is entitled to?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view

of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.
8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का आ 1999—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय श्रम अनुसंधान संस्थान के प्रबंधतंत्र के सबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबद्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चण्डीगढ़ के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-42012/136/91-आई आर. (डीयू)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 1999.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16 July, 2001.

[No. L-42012|136|91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 89|92

Sh. Nadan Singh S/o. Sh. Ram Chander, Singh, H. No. 51, D.L.F. Colony, Near-Barwala Chungi, Hissar-125001. . . Petitioner.

Versus

Director,

Central Institute for Research on Buffaloes, Hissar, Haryana. . . Management.

APPEARANCES :

For the workman.—Shri Darshan Singh.

For the management.—Shri R. K. Sharma Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Govt. vide gazette notification No. L-42012|136|91-I.R.(D.U.) dated 14-8-1992 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Sh. Nadan Singh w.e.f. March 86 is justified ? If not, what relief the workman concerned is entitled to ?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.
8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का आ. 2000—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय, श्रम अनुसंधान संस्थान के प्रबंधतंत्र के सबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबद्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चण्डीगढ़ के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-42012/137/91-आई आर. (डीयू)],
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2000.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in

relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16 July, 2001.

[No. L-42012|137|91 IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 98|92

Sh. Devinder S|o. Sh. Chandgi Ram,
C|o. President, Distt. Agriculture Workers Union, 123|5, Jawahar Nagar, Hissar,
.. Petitioner.

Versus

Director,
Central Institute for Research on Buffaloes,
Hissar, Haryana. .. Management.

APPEARANCES :

For the workman.—Shri Darshan Singh.

For the management.—Shri R. K. Sharma, Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Govt. vide gazette notification No. L-42012|137|91-I.R.(D.U.) dated 14-8-1992 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Devinder w.e.f. October 90 is justified ?” If not, what relief the workman concerned is entitled to ?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.
8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का आ 2001—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार केन्द्रीय भूस अनुसंधान संस्थान के प्रबंधक के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चण्डीगढ़ के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था ।

[स. एल-42012/138/91—आई आर (डी यू)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2001.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman which was received by the Central Government on 16 July, 2001.

[No. L-42012|138|91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 97|92

Sh. Inder Singh S|o Sh. Darya Singh,
Vill. & Post Peeranwali,
Distt. Hissar-125001. .. Petitioner.

Versus

Director,
Central Institute for Research on Buffaloes,
Hissar, Haryana. .. Management.

APPEARANCES :

For the workman.—Shri Darshan Singh.

For the management.—Shri R. K. Sharma, Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Govt. vide gazette notification No. L-42012|138|91-I.R.(D.U.) dated

14-8-92 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Inder Singh w.e.f. Feb. 1991 is justified ? If not, what relief the workman concerned is entitled to ?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.
8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का आ. 2002.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था ।

[सं. एल-42012/139/91-आई.आर. (डी यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2002.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16 July, 2001.

[No. L-42012/139/91-I.R.(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT., CHANDIGARH

I.D. No. 96/92

Sh. Ram Dass S/o Sh. Roop Chand,
Vill. & Post Tandoor, Distt. Hissar,
125001. . . Petitioner.

Versus

Director,
Central Institute for Research on Buffaloes,
Hissar, Haryana. . . Management.

APPEARANCES :

For the Workman.—Shri Darshan Singh.

For the Management.—Shri R. K. Sharma, Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Govt. vide gazette notification No. L-42012/139/91-I.R.(D.U.) dated 14-8-1992 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Ram Dass w.e.f. March 1990 is justified ? If not, what relief the workman concerned is entitled to ?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.

8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का आ. 2.003—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/140/91-आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2003.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012/140/91-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

I.D. No. 95 92

Sh. Diler Singh S/o Sh. Shamsher Singh
Vill & Post Peraanwali, Distt.
Hissar-125002. .. Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana. .. Management.

APPEARANCES :

For the Workman.—Shri Darshan Singh.

For the Management.—Shri R. K. Sharma
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide gazette notification No. L-42012/140/91-I R.(D.U.) Dated 14-8-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Diler Singh w.e.f. February, 1991 is justified? If not, what relief the workman concerned is entitled to?”

2 The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and

no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh.

Dt. 8-6-2001.

B. L. JATAV, Presiding Officer.

नई दिल्ली, 16 जुलाई, 2001

का प्रा.2004.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/128/91-आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2004.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012/128/91-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

I.D. No. 116 92

Sh. Dinesh Kumar S/o Inder Singh
Vill. & Post Office, Bhugana,
Distt. Hissar-125002. .. Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana. .. Management.

APPEARANCES :

For the Workman.—Shri Darshan Singh.

For the Management.—Shri R. K. Sharma
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide gazette notification No. L-42012/128/91 I R.(D.U.) Dated 20-8-1992

has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Sh. Dinesh Kumar w.e.f. September, 1990 is justified? If not, what relief the workman concerned is entitled to?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh

Dt. 8-6-2001.

B. L. JATAV, Presiding Officer.

नई दिल्ली 16 जुलाई, 2001

का.आ.2005—औद्योगिक विवाद अधिनियम, 1947 (1947 का 1947) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैंस अनुसंधान संस्थान के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में, निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था ।

[सं. एल-42012/129/91—आर्.आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2005.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012|129|91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 117/92

Sh. Charan Singh S/o Sh. Inder Singh
Vill & P.O. Peeranwali, Teh. & Distt.
Hissar-125061 .. Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana. .. Management.

APPEARANCES :

For the Workman.—Shri Darshan Singh.

For the Management.—Shri R. K. Sharma
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide gazette notification No. L-42012|129|91-I.R.(D.U.) Dated 20-8-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Charan Singh w.e.f. August, 1990 is justified? If not, what relief the workman concerned is entitled to?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh

Dt. 8-6-2001

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ.2006—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैंस अनुसंधान संस्थान के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था ।

[सं. एल-42012/132/91—आर्.आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2006.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012|132|91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

I.D. No. 92|92

Sh. Bhal Singh
C/o President, Distt. Agriculture Workers
Union, 123|5, Jawahar Nagar,
Hissar. .. Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana. .. Management.

APPEARANCES :

For the Workman.—Shri Darshan Singh.
For the Management.—Shri R. K. Sharma
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide gazette notification
No. L-42012|132|91-I.R (D.U.) dated 14-8-1992
has referred the following dispute to this Tribunal
for adjudication :

“Whether the action of the management of
Central Institute for Research on Buffaloes,
Hissar in terminating the services of Shri
Bhal Singh w.e.f. July, 1990 is justified?
If not, what relief the workman concerned
is entitled to?”

2. The representative of the workman appeared.
He intends to withdraw the case against the mana-
gement. The representative of the management has
no objection. In view of the above, the request of
the representative of the workman is accepted, and
no dispute award is returned to the Ministry. Appro-
priate Government be informed.

Chandigarh.

Dt 8-6-2001

B. L. JATAV, Presiding Officer.

नई दिल्ली, 16 जुलाई, 2001

का.अ. 2007.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय
सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध
नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट
औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण
चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय
सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एन-42012/133/91-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2007.—In pursuance of Section 17 of the
Industrial Dispute Act, 1947 (14 of 1947), the
Central Government hereby publishes the award of
the Central Government Industrial Tribunal-cum-
Labour Court Chandigarh, as shown in the Annexure
in the Industrial Dispute between the employers in
relation to the management of Central Institute for
Research on Buffaloes and their workman, which was
received by the Central Government on 16-7-2001.

[No. L-42012|133|91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

I.D. No. 91|92

Sh. Charanji Lal S/o Sh. Murji
Tibba Dana Sher, Ward No. 11,
Bharat Nagar, Hissar-125001. .. Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana. .. Management.

APPEARANCES :

For the Workman.—Shri Darshan Singh.
For the Management.—Shri R. K. Sharma
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide gazette notification
No. L-42012|133|91-I.R.(D.U.) Dated 14-8-1992
has referred the following dispute to this Tribunal
for adjudication :

“Whether the action of the management of
Central Institute for Research on Buffaloes,
Hissar in terminating the services of Shri
Charanji Lal w.e.f. 31-7-1988 is justified?
If not, what relief the workman concerned
is entitled to?”

2. The representative of the workman appeared.
He intends to withdraw the case against the mana-
gement. The representative of the management has
no objection. In view of the above, the request of
the representative of the workman is accepted, and
no dispute award is returned to the Ministry. Appro-
priate Government be informed.

Chandigarh.

Dt. 8-6-2001.

B. L. JATAV, Presiding Officer.

नई दिल्ली, 16 जुलाई, 2001

का.प्रा. 2008:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/134/91-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2008:—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012/134/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 90/92

Sh. Arjun Singh S/o Sh. Khushi Ram
C/o President, Distt. Agriculture Workers Union, 123/5, Jawahar Nagar, Hissar. Petitioner.

Versus

Director,
Central Institute for Research on Buffaloes,
Hissar, Haryana. Management.

APPEARANCES :

For the Workman.—Shri Darshan Singh.
For the Management.—Shri R. K. Sharma
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide Gazette notification No. L-42012/134/91-I.R.(D.U.) Dated 14-8-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Arjun Singh w.c.f. 30-S-88 is justified? If not, what relief the workman concerned is entitled to?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh.

Dt 8-6-2001.

B. L. JATAV, Presiding Officer.

नई दिल्ली, 16 जुलाई, 2001

का.प्रा. 2009:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/123/91-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2009.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman which was received by the Central Government on 16-7-2001.

[No. L-42012/123/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 111/92

Sh. Ram Baran S/o Sh. Bhuru Ram
C/o President Distt. Agricultural Workers Union, 123/5, Jawahar Nagar, Hissar Petitioner

Versus

Director,
Central Institute for Research on Buffaloes,
Hissar, Haryana. Management

APPEARANCES

For the workman : Shri Darshan Singh.
For the management : Shri R. K. Sharma,
Advocate.

AWARD

(Passed on 8th of June 2001)

The Central Government vide Gazette Notification No. L-42012/123/91-IR(D.U.) dated 20-8-1992 has

referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Ram Baran w.e.f. 31-3-91 is justified? If not, what relief the workman concerned is entitled to?"

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.

8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2010—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/126/91-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2010.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012|126|91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 114/92

Sh. Sanjay S/o Sh. Harphool Singh.

Vill & Dhani, Kutubpur, Hansi ...Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana.

..Management.

APPEARANCES .

For the workman : Shri Darshan Singh.

For the management . Shri R. K. Sharma
Advocate.

AWARD

(Passed on 8th of June 2001)

The Central Govt. vide Gazette notification No. L-42012|126|91-I.R. (D.U) Dated 20-8-1992 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Sh. Sanjay w.e.f. July 1990 is justified? If not, what relief the workman concerned is entitled to?"

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.

8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2011—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/119/91-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2011.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012|119|91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 107/92

Sh. Kalj Ram S/o Sh. Chhotu Ram
C/o President, Distt. Agriculture Workers
Union, 123/5, Jawahar Nagar, Hissar. ..Petitioner

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana.

...Management

APPEARANCES :

For the workman : Shri Darshan Singh.
For the management : Shri R. K. Sharma,
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Govt. vide gazette notification No. L-42012|119|91-I.R.(D.U.) Dated 20-8-1992 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Kali Ram w.c.f. 30-4-90 is justified? If not, what relief the workman concerned is entitled to?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.
8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2013.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है जो, केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/121/91-आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2012.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012|121|91-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

I.D. No. 109/92

Sh. Partap Singh S/o Sh. Sher Singh
C/o President, Distt. Agriculture
Workers Union, 51123, Jawahar Nagar,
Hissar. ...Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana. ...Management.

APPEARANCES :

For the workman : Shri Darshan Singh.
For the management : Shri R. K. Sharma, Ad-
vocate.

AWARD

(Passed on 8th of June, 2001)

The Central Govt. vide gazette notification No. L-42012|121|91-I.R. (D.U.) Dated 20-8-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Partap Singh w.c.f. 29-6-90 is justified? If not, what relief the workman concerned is entitled to ?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.
8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2013.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/113/91-आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2013.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012/113/91-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

I.D. No. 101/92

Sh. Munshi Ram S/o Sh. Bhagwan Dass
C/o President, Distt. Agriculture
Workers Union 123/5, Jawahar Nagar,
Hissar. Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana. ...Management.

APPEARANCES :

For the workman : Shri Darshan Singh.
For the management : Shri R. K. Sharma
Advocate.

AWARD

(Passed on 8th of June 2001)

The Central Govt. vide gazette notification No. L-42012/113/91-I.R. (D U) Dated 20-8-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Munshi Ram w.e.f. 8-1-90 is justified? If not, what relief the workman concerned is entitled to ?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.

8-6-2001.

B L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2014.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधक के

संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पत्राट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-42012/114/91-आई.आर. (डी. य.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2014.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012/114/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

I.D. No. 102/92

Sh. Ashok Kumar S/o Sh. Mangat Ram
C/o President, Distt. Agriculture Worker
Union, 5/123, Jawahar Nagar,
Hissar. Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana. ...Management.

APPEARANCES :

For the workman : Shri Darshan Singh.
For the management Shri R. K. Sharma
Advocate.

AWARD

(Passed on 8th of June 2001)

The Central Govt. vide gazette notification No L-42012/114/91-I.R. (D U.) Dated 20-8-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Ashok Kumar w.e.f. 7-7-90 is justified? If not, what relief the workman concerned is entitled to ?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute

award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.

8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2015—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भेस अनुसंधान संस्थान के प्रबंधन के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-42012/116/91—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2015.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012/116/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 104|92

Shri Sher Singh S/o Shri Mohan Lal,
Quarter No. 12, Ward No. 11, Bharat
Nagar, Hissar-125002. . . Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana. . . Management.

APPEARANCES :

For the workman : Shri Darshan Singh.
For the management : Shri R. K. Sharma. Advocate.

AWARD

(Passed on 8th of June 2001)

The Central Government vide Gazette notification No. L-42012/116/91-I.R. (D.U.) dated 20-8-1992

has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Sher Singh w.e.f. 30-5-1990 is justified? If not, what relief the workman concerned is entitled to?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed

Chandigarh,

8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2016—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-42012/116/92—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2016.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial, Tribunal-cum-Laour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.B.M.B. and their workman, which was received by the Central Government on 16 July, 2001.

[No. L-42012|116|92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 42|93

Vakil Chand C/o.,
Shri Dhani Ram, General Secy.,
BSI Project Mazdoor Ekta
Union, S-1|51, Sundernagar (H.P.)
Workman.

Versus

The Chief Engineer
B.S.L. Project,
BBMB, Sundernagar (H.P.) .. Management

APPEARANCES :

For the workman.—Shri Dhani Ram.

For the management.—Shri Sandeep Chopra.

AWARD

(Passed on 19th June, 2001)

The Central Govt. vide gazette notification No. L-42012/116/92-IR(DU) dated 18th of March 1993 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of BBMB, Sundernagar in retiring Shri Vakil Chand on 31-3-1992 after considering his date of birth to be 14-3-1932 is justified ? If not, what relief he is entitled to ?”

2. The case of the workman in brief is that he was appointed on 30-12-1963 as carpenter grade-I in BSL Project. Later on he was transferred to BBMB and joined his services in hydel channel division BBMB Sundernagar. As per School leaving certificate his date of Birth is 15-6-1934. On the basis of his date of birth he should have been retired on 30-6-1994 but the management had retired him on 31-3-1992 taking into consideration his date of birth 14-3-1932. Thus he was retired prematurely. He has suffered loss of Rs. 170,000.

3. The management has recorded his date of birth in service record erroneously as 14-3-1932. Prior to submission of school leaving certificate the workman had filed an affidavit with intent to avoid delay in getting his salary in which his date of birth has been shown as 14-8-1932. He submitted representation to the management for making correction in his date of birth but the management did not consider his representation and retired him on 31-3-1992 taking into consideration the date of birth as 14-3-1932. The action taken by the management is not justified so the workman has raised industrial dispute, and the reference has been made by Central Govt. to this Tribunal for adjudication. He has requested that the management be directed to retire him on

30-6-1994 or 31-8-1992 after attaining age of 60 years, alongwith backwages and other consequential benefits.

4. The management has filed its written statement alleging that at the time of entering into service by the workman, his date of birth was recorded in service record as 14-3-1932. This date of birth was shown in seniority list of carpenters which was circulated among the other workers of BBMB. The workman did not raise any objection regarding his date of birth. He filed an affidavit at later stage for the correction of his date of birth. Thereafter he submitted school leaving certificate in which his date of birth has been shown as 15-6-1934. The Chief Engineer of the BBMB considered the case of the workman and directed to Superintending Engineer to retire the applicant workman on 31-3-1992 taking into consideration the date of birth 14-3-1932. Thus the management has not committed any error. The action taken by the management is justified. Therefore, the claim of the workman be dismissed without any relief.

5. In this case all the facts are admitted facts except date of birth of the workman.

6. The workman has filed his affidavit which is Ex. W1. He has also filed copy of the retirement order Ex. W2, discharge certificate from BCB, Ex. W3 and copy of school leaving certificate Ex. W4. The management has filed the affidavit of Executive Engineer B. M. Salwan and the documents Ex. M1, M2, M4 and M5. The workman has deposed in his affidavit that his date of birth has been recorded by the management in service record as 14-3-1932 which is erroneous. As per his affidavit his date of birth is 14-8-1932. Taking into consideration this date, he should have been retired on 31-8-1992 but the management had retired him on 31-3-1992 forcibly. He has also deposed that as per school leaving certificate Ex. W4 his date of birth is 15-6-1934, on the basis of which he should have been retired on 30-6-1994. But the management has retired him on 31-3-92. He submitted affidavit and school leaving certificate for the correction of date of birth but the management did not consider his request and rejected his representation. The date of birth 14-3-1993 has been entered erroneously in seniority list due to typing mistake. The management has acted illegally

by retiring him prior to two years of age of superannuation. The witness of the management has deposed that in discharge certificate issued by Bhakra Dam Project, his age was entered 33 years at the time of his discharge. In discharge certificate Ex. M4 the date of birth has not been entered. At the time of entering into service by the workman, in BBMB as carpenter, his date of birth as 14-3-1932 was entered in the service record. This date of birth was entered in column No. 6 of seniority list appended with circular dated 6-4-1978 Ex. M5. The objections were invited regarding any erroneous entries within a period of 30 days. The workman has admitted in his cross-examination, that he did not move any application to the Chief Engineer BBMB for correction of his date of birth during the year 1979. He joined his services in BBMB during the year 1979 and worked till 1992. He submitted an application Ex. M2 to Chief Engineer BSL, Sundernagar for correction of his date of birth during the year 1991. It clearly shows that he submitted application for making correction in date of birth prior to near about one year of his retirement, which is apparently belated.

7. In this case the main controversy relates to the date of birth of the workman. The workman has stated in his claim statement his date of birth should be considered as it has been shown in his affidavit Ex. M1 or the date of birth given in school leaving certificate Ex. W4 should be considered. A person can not be born twice. He has prayed in his claim statement for getting relief considering his date of birth as 14-8-1932 or 15-6-1934. The management has referred the case of Union of India Vs. Harnam Singh (AIR 1993 S.C. 1367) in which the Hon'ble Supreme Court has held that an entry as to date of birth of an employee recorded at the time of entry into service continues to exist for long period without challenge may be considered the basis for retirement. Refusal to make correction at later stage can not be considered unjustified. The workman has not made any efforts to get the entry of date of birth corrected at early stage of his entering into the service of the BBMB. Therefore, the management can not be directed to make any change in his date of birth. The action taken by the management is justified.

8. On considering the evidence placed on record by both the parties, the reference is

answered that the action of the management of BBMB at Sundernagar in retiring Shri Vakil Chand on 31-3-1992 after considering his date of birth to be 14-3-1932 is justified. He is not entitled to get any relief. Both parties shall bear their own costs. Appropriate Govt. be informed.

Chandigarh.
19-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.या. 2017.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण/श्रम न्यायालय चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स एल-42012/117/91—आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, ईस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2017.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012/117/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

I.D. No. 105/92

Sh. Ranjeet Singh vs. Sh. Joginder Singh,
Vill. & Post Office Pccranwali
Distr. Hissar-125002, .. Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana. .. Management.

APPEARANCES :

For the Workman.—Shri Darshan Singh.

For the Management—Shri R. K. Sharma, Ad-
vocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide Gazette Notification No. L-42012/117/91-I.R.(D.U.) dt. 20-3-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Ranjeet Singh w.e.f. 1-8-1990 is justified? If not, what relief the workman concerned is entitled to?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh.
Dt. 8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2018.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था

[सं. एल-42012/109/92-आई.आर.(डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2018.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001

[No. L-42012|109|92-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

I.D. No. 135/93

Smt. Vidya C/o President, Distt. Agriculture
Workers Union 123/5, Jawahar Nagar,
Hissar. .. Petitioner.
2347 GI/2001—10.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana. .. Management.

APPEARANCES :

For the Workman.—Shri Darshan Singh.

For the Management—Shri R. K. Sharma,
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide Gazette Notification No. L-42012/109/92-I.R.(D.U.) dated 20-10-1993, has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Smt. Vidhya w.e.f. 10-1-90 is legal and justified? If not, what relief the workman concerned is entitled to and from what date?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh
Dt. 8-6-2001.

B. I. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का० आ० 2019.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/109/93 आई आर (डी. यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2019.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management in Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012|109|93-I.R.(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

I.D. No. 112/94

Ms. Veena Rani D/o Sh. Lekh Raj
R/o 94-W, Model Town,
Hissar.

.. Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana.

.. Management.

APPEARANCES :

For the Workman.—Shri Darshan Singh.
For the Management—Shri R. K. Sharma,
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide Gazette Notification No. L-42012/109/93-I.R.(D.U.) Dated 25-8-94 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in not giving the opportunity of re-employment to Miss Veena Rani, Ex-employee, is justified? If not, what relief she is entitled to and from what date?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh.

Dt. 8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2020—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय शैस अनुसंधान संस्थान के प्रबंधन के संबंध में निर्यात और उनके कर्मचारों के बीच, अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था ।

[सं. एल-42012/111/91-आई, आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2020.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management in Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16th July, 2001.

[No. L-42012/111/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

I.D. No. 99/92

Sh. Balbir Singh S/o Sh. Banwari Lal
R/o Vill. & P.O. Mauja Matrayam
Distt. Hissar-125002.

.. Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana.

.. Management.

APPEARANCES :

For the Workman.—Shri Darshan Singh.
For the Management—Shri R. K. Sharma,
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide Gazette Notification No. L-42012/111/91-I.R.(D.U.) Dated 20-8-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Sh. Balbir Singh w.e.f. 30-11-1989 is justified? If not, what relief the workman concerned is entitled to?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh.

Dt. 8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2021—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय शैस अनुसंधान संस्थान के प्रबंधन के संबंध में निर्यात और उनके कर्मचारों के बीच, अनुबंध में निरिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/111/92- आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2021.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management in Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16th July, 2001.

[No. L-42012/111/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I D. No. 131/93

Smt. Bhago C/o President, Distt. Agriculture Workers Union, 123/5, Jawahar Nagar, Hissar. . . Petitioner.

Versus

Director, Central Institute for Research on Buffaloes, Hissar, Haryana. . . Management.

APPEARANCES :

For the Workman.—Shri Darshan Singh.

For the Management—Shri R. K. Sharma, Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Government vide Gazette Notification No. L-42012/111/92-I.R.(D.U.) dated 20-10-93 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Smt. Bhago w.c.f. March, 1990 is justified? If not, what relief she is entitled to and from what date?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and

no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh.

Dt. 8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.मा. 2022—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय औद्योगिक संस्थान के प्रबंधन के सबद नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/112/92-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2022.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16th July, 2001.

[No. L-42012/112/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 132/93

Shri Rameshwar, C/o President, Distt. Agriculture Workers Union, 123/5, Jawahar Nagar, Hissar. . . Petitioner

Versus

Director, Central Institute for Research on Buffaloes, Hissar, Haryana. . . Management

APPEARANCES :

For the workman—Shri Darshan Singh.
For the management—Shri R. K. Sharma, Advocate.

AWARD

Versus

(Passed on 8th of June, 2001)

The Central Government vide gazette notification No L-42012/112/92-I.R.(D.U.) dated 20-10-93 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Rameshwar w.e.f. 1-9-91 is justified? If not, what relief the workman is entitled to and from what date?"

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh,
8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2023.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/94/94-आई. आर. (डी. यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2023.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001

[No. L-42012/94/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 8/96

District President,
District Agriculture Workers Union,
193/5, Jawahar Nagar, Hissar. Workman/
Union.

Director,
Central Institute for Research on Buffaloes,
Hissar. Haryana. . . Management.

APPEARANCES :

For the workman—Shri Darshan Singh.

For the management—Shri R. K. Sharma,
Advocate

AWARD

(Passed on 8th of June, 2001)

The Central Government vide gazette notification No. L-42012/94/94-IR(D.U.), dated 30-1-1996 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Shamsheer Singh son of Shri Matu Ram and employing some other in his place is justified and legal. If not, to what relief and from what date the workman is entitled to?"

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Government be informed.

Chandigarh,
8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 जुलाई, 2001

का.आ. 2024.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा बोर्ड, टी. बी. डैम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/66/88- डी-II-(बी)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2024.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Board, T.B. Dam and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012/66/88-D.II(B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 29th June, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB,
Presiding Officer.
CGIT-cum-Labour Court, Bangalore
C.R. No. 53/89

I PARTY :

Shri R. Alagiri,
Represented by the General Secretary,
Tungabhadra Board Drivers and
General Worker's Union, T.B. Dam,
Hospet Taluk,
Bellary District-583 101.
(Advocate Shri M. C. Narasimhan)

II PARTY :

The Secretary,
Tungabhadra Board,
T.B. Dam, Hospet Taluk,
Bellary District-583101.
(Advocate—Shri B. G. Sridharan)

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/66/88-D-II(B) dated 1st August, 1989 on the following schedule :

SCHEDULE

“Whether the action of the Tungabhadra Board, T.B. Dam, Hospet Taluk, Bellary District is justified in fixing Shri R. Alagiri, Driver in the scale of Rs. 280 to Rs. 500 instead of Rs. 340 to Rs. 800 and deducting the excess payment? If not, to what relief is the workman entitled to?”

2. First party union workman is working with the second party management. The management did not justify in fixing him in the scale of Rs. 280 to Rs. 500 instead of Rs. 340 to Rs. 800 and deducted excess payment. Therefore, he raised the Industrial Dispute.

3. Parties appeared and filed Claim Statement and Objections.

4. The case of the first party in brief is as under :—

5. The first party joined as Driver with the Board in the year 1952 in a work-charged establishment. The board had been following the Government Order issued time to time with regard to revision of pay scales and the first party union workman was getting salary accordingly. From 1-1-76 the first party union workman was given the time scale of Rs. 120—240 and his pay was fixed at Rs. 158.

6. It is the further case of the first party union workman that as per the revision of his pay scale was revised to Rs. 340—800 and the pay of the first party was fixed as Rs. 500 from 1-1-77. There was further revision of pay from 1-1-82 and his pay was fixed as Rs. 860. The next revision applicable from 1-1-87 at the scale of Rs. 870—1600 and the pay of the first party fixed at Rs. 1600.

7. It is the further case of the first party workman that he was receiving salary accordingly. The Second Party in its office Memorandum dated 1-8-86 had fixed and reduced the salary of the first party in the scale of Rs. 280—500 from 1-1-77 and Rs. 300—700 from 22-1-80 and Rs. 450—860 from 1-1-82 in superseding the earlier orders of pay fixation of the salary and the action of the management is not correct.

8. The salary of the Senior Driver is fixed at the scale of Rs. 1360—2065 in the State Transport Corporation. The recovery is illegal. First party union workman has prayed that the action of the management is not correct and prayed to pass order in its favour.

9. The case of the management is that the dispute raised is not maintainable. The workman has filed Writ Petition bearing W.P. No. 11112/88 and as per the interim order of the said Writ petition recovery has been stopped from May, 1990. It is said in another case filed by Sri S. Mahaboob against second party for reinstatement, it has been disposed of by the High Court of Karnataka with the direction to consider his case if he is eligible in the light of the decision rendered by the Supreme Court in the Dharwad District, PWD, Literate Daily Wages Employees Association and Ors Vs. State of Karnataka etc. (AIR 1990 SC 883). The management for these reasons has prayed to reject the reference.

10. It is seen from the records that this dispute is pending since 11 years and the parties have spent more time without any good progress. In the instant case workman got examined himself. On behalf of the management MW1 is examined.

11. It is seen from the records that the advocates on record went on changing. Parties have not adduced any further evidence. So the matter was closed. The learned counsel for the first party has not advanced any document. I have heard the learned counsel for the second party. I have closed the case because this is one of the oldest matter before this court and secondly we have the evidence of witnesses and all the documents.

12. I have perused all the documents carefully. I have read the evidence of workman and management witnesses. MW1 has stated in his evidence that the first party union workman was working as Driver with the Second Party and his pay was fixed in the year 1981 at Rs. 340—800.

13. He further states that the above scale was fixed for the first party workman though eligibility was in the pay scale of Rs. 300—700. His evidence is that pay was fixed correctly and there is no mistake in fixing the pay. He has been cross examined at length but nothing is made out from his cross examination.

The evidence of MW1 is sufficient to prove that the action of the management is correct

14. The learned counsel for the management has filed copy of order of the High Court of Karnataka in W.P. No. 11112/88 filed by the first party workman.

15. It is seen from the said order that the first party has withdrawn the Writ Petition. We have the evidence of WW1. This evidence is not sufficient to say that the action of the management is illegal. The evidence of first party workman will not help to prove that the action of the management is not correct. WW1 says in his cross examination that it is correct to say that he was fixed in the pay scale of Rs. 860 and it is not correct to say that the board has reduced his scale into Rs. 775. The evidence of first party union workman is not clear to substantiate this dispute.

16. Considering all this I am of the opinion that there is no merit in this reference. Accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA, transcribed by her, corrected and signed by me on 29th June, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2025—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भौस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था ।

[सं. एल-42012/63/93 आई आर. (डी. यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2025.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16th July, 2001.

[No. L-42012/63/93-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I. D. No. 92/94

Smt. Deelo Devi
C/o Dharshan Singh,
Distt. Agriculture Workers Union,
123/5, Jawahar Nagar,
Hissar. Petitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar. Haryana Management

APPEARANCES :

For the workman : Shri Darshan Singh

For the management : Shri R. K. Sharma, Advocate

AWARD

(Passed on 8th of June, 2001)

The Central Govt. vide Gazette Notification No. L-42012/63/93-I.R.(DU) Dated 11-8-94 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Smt. Deelo Devi, Ex-Daily paid Labour w.e.f. June, 1990 is justified? If not, what relief she is entitled to and from what date ?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh,
8-6-2001

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2026—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भौस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था ।

[सं. एल-42012/51/98-आई आर (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2026.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to

the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16th July, 2001.

[No. L-42012/51/96-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV PRESIDING
OFFICER, CENTRAL GOVT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

I. D. No. 131/97

Smt. Om Pati,
C/o Distt. Agriculture
Workers Union,
123/5, Jawahar Nagar,
Hissar.

.. Petitioner

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana

.. Management

APPEARANCES :

For the workman : Shri Darshan Singh

For the management : Shri R. K. Sharma, Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Govt. vide Gazette Notification No. L-42012/51/96-IR(DU) Dated 30-5-1997 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Smt. Om Pati and not giving opportunity for re-employment is legal and justified ? If not, to what relief the workman is entitled to ?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh,
8-6-2001

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.प्रा. 2027.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अंगुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबंधन के सबद्ध नियोजको और उनके कर्मकारो के बीच, अनुबध में निविष्ट औद्योगिक विवाद मे केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-42012/51/93-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2027.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16th July, 2001.

[No. L-42012/51/93-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

I.D. No. 89/94

Sh. Ram Bhagat,
S/o Sh. Banarasi Dass
C/o President, Distt. Agriculture
Workers Union,
123/5, Jawahar Nagar,
Hissar.

Petitioner

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana

.. Management

APPEARANCES :

For the workman : Shri Darshan Singh

For the management : Shri R. K. Sharma, Advocate

AWARD

(Passed on 8th of June, 2001)

The Central Govt. vide Gazette Notification No. L-42012/51/93-IR(DU) Dated 11-8-94 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of the workman Shri Ram Bhagat w.e.f. 18-10-91 is legal and justified ? If not,

what relief the workman concerned is entitled to ?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh,
8-6-2001

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.आ. 2028—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय भू-संस्थान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/49/93-आई आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2028.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16th July, 2001.

[No. L-42012/49/93-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 90 of 1994

Sh. Lakha Ram
S/o Sh. Gurbachan Singh,
H. No. 1408, 12 Quarter,
Hissar. Petitioner

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar. Haryana Management

APPEARANCES :

For the Workman : Shri Darshan Singh.
For the Management : Shri R. K. Sharma, Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Govt. vide Gazette Notification No. L-42012/49/93-IR(DU) Dated 17-8-1994 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Lakha Ram w.e.f. Dec. 1989 is legal and justified ? If not, what relief the workman concerned is entitled to ?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh,
8-6-2001

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का. आ. 1029.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार तुंगभद्रा बोर्ड, टी. बी. डैम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/7/89-डी II (बी)/आई आर (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2029.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Board, T. B. Dam and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42012/7/89-D-II(B)/IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, 29th June, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Co., LLB.,
Presiding Officer,
CGIT-cum-Labour Court,
Bangalore.

C. R. No. 54/89

I PARTY

S/Shri Mookanna and 21 others,
The General Secretary,
Tungabhadra Board Factory
Workers
and Civil Employees Union,
T.B. Dam-583225,
Bellary District,
(Advocate Shri A. S. Mellabennur)

II PARTY

1. The Secretary,
Tungabhadra Board,
T.B. Dam-583225,
Bellary District.
2. The Executive Engineer,
Low Level Canal Division,
Cantonment,
Bellary-583104.
(Advocate Shri A. K. Bhat)

AWARD

1. The Central Government by exercising the powers conferred by clause, (d) of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/7/89-D-II(B)/IR(DU) dated 2nd August, 1989 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the Tungabhadra Board, T. B. Dam, Bellary District in retrenching S/Shri Mookanna, G Ravi K. Venkappa Setty, K. Yennappa, V. G. Yerrappa, D. Nagabhusanam, T. Mallikarjuna, Smt. Laxmi, S/Shri Eranna, Snyrababu, Fakirappa, M. Rajesekar, Veerashan, Ismail, Nallanna, Ramalinga, G. Gangappa and Narasimhulu is justified? If not, to what relief are the workmen entitled to?”

2. Twenty Two workmen of first party union were working with the Second party management and they were terminated therefore their union have raised this dispute.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of these workmen of the first party union is as follows :

5. It is the case of the workmen that they were working with the Second party on maintenance of Low Level Canal and they have put in continuous service of more than 240 days and their services were abruptly stopped from 27-7-1988 and 1-7-86 respectively without following any procedure. The action of the management is not correct.

6. It is the further case of these workmen that many of his juniors were taken on regular basis but without following the mandatory provision of Section 25F of the Industrial Dispute Act these workers were terminated. The action of the management is not correct and they have prayed to pass award in their favour.

2347 GI/2001.—11.

7. The case of the management is as follows :

8. That the dispute raised by the Union is not maintainable. The main contention of the management is that it is not an industry and the status of the board has been explained and it is clear that it is not an industry.

9. It is the further case of the management that the allegations made by the first party are not correct and this tribunal has no jurisdiction.

10. It is seen from the records that this is a matter of 13 years old and the parties unnecessary spent all these days without properly conducting the case. Many adjournments were given to lead the evidence but except the evidence of WW1 there is no other evidence.

11. First party union submitted that it has closed its evidence. Date was given for the Second party to adduce evidence if any. There is no evidence on behalf of the management. I have heard the learned counsel for the second party I have perused all the documents and read the evidence of WW1 carefully. According to the evidence of WW1 he was working since 1984 as muster roll employee under the second party. He has also stated that other workmen were working with the second party. He has said that after July 1988 he was terminated along with others. No notice of termination was given. Termination benefits were not given. WW1 in his cross examination says that they were engaged on daily wages. But payment was made once in a month. He also says in his cross examination that their services were temporary. Admittedly there is no appointment order for these workmen. There is not an iota of evidence to establish that these workmen have worked for more than 240 days.

12. It was submitted by the learned counsel for the management that the workmen being the casual workers are not entitled for any benefits. They have not worked for more than 240 days. He relied the decisions of AIR 1979 Supreme Court 1981 and AIR 1994 Supreme Court 1638. I have read the above decisions. From the records it is clear that these workmen were only Casual Worker. There is no evidence that they have continuously worked for more than 240 days.

13. With this, and the principles held in the above decisions I am of the opinion that there is no merit in this reference. First party has failed to prove that they had worked continuously for more than 240 days. Accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 29th June, 2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 16 जलाई, 2001

का.आ 2000.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अन्तर्गत में केन्द्रीय
सरकार बाईलड लाईफ इंस्टिट्यूट ऑफ इंडिया के प्रबंधन

के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलूर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-42011/59/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2030.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Wild Life Institute of India and their workman, which was received by the Central Government on 16-7-2001

[No. L-42011/59/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Presiding Officer : Rudresh Kumar.

ADJUDICATION

I.D. No. 23/99

Ref. No.: L-42011/59/99/IR(DU) dated 19th November, 1999

BETWEEN

President,
Wild Life Institute of India Employees Union,
P.E. No. 18, Chandrabani,
Dehradun-248001.

AND

The Director,
Wild Life Institute of India,
Chandrabani, Dehradun-248001.

AWARD

By reference No. L-42011/59/99/IR(DU) dated 19-11-99, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 I.D. Act, 1947 (14 of 1947), made over this industrial dispute between President, Wild Life Institute of India Employees Union, Dehradun and the Director, Wild Life Institute of India, Dehradun for adjudication.

The reference is produced as under :

“Whether the action of the management of Wild Life Institute in denying the promotion/s selection from amongst class IV employees to the next higher cadre is legal and justified? If not, to what relief the workmen are entitled?”

2. By claim statement dated 11-1-2000, the Wild Life Institute of India Employees Union sought 100 per cent promotion to its class-IV employees in class-III lowest post in the technical and administrative cadre, by creating new posts in higher cadres, by amending recruitment rules or making any other proposal to the governing body of Wild Life Institute for their promotion. The management filed written objection raising some preliminary issues; like 'wild life Institute' is purely a research and training institute and is not covered within the definition of 'industry' as defined into Section 2(3) of I.D. Act, 1947. It is also pleaded that the relief claimed relates to policy matter which can not be adjudicated and is out side the perview of Annexures II and III of the Act.

3. During pendency of the case, the workman filed amendment application before the Government of India, Ministry of Labour for amending the reference. The Government of India, instead of amending the reference, made a fresh reference which has been registered at case No. 56/2001. The workman union filed an application on 27-6-2001, to return the present reference without any award on merit, in view of fresh reference.

4. In view of the amendment of the reference by way of substituting a new one and the subject matter of case No. 56/2001 being the same, it is no longer necessary to discuss merit of various pleas advanced by the management. All such pleas may be taken at appropriate stage in the new case. The workmen are no longer interested to pursue this case and have filed an application to return the reference.

5. Accordingly, the reference is returned unanswered on merit,

Lucknow,

3-7-2001

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.का. 2031—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रबर रिसर्च इन्स्टिट्यूट ऑफ इंडिया के प्रबंधक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलूर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-42011/51/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2031.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Rubber Research Institute of

India and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42011/51/99-IR(DU)]
KULDIP RAI VERMA, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated, 2nd July, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB.,
Presiding Officer,
CGIT-cum-Labour Court,
Bangalore.

C.R. No. 121/99

I PARTY

The Hon. President,
The General Employees Union,
Sunitkoppa,
Kodiagu-571237.

II PARTY

The Officer-in-Charge,
The Rubber Research Institute of India,
Hevea Breeding Sub Station,
Rubber Board,
Nettana-574230

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42011/51/99-IR(DU) dated 27-10-99 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Hevea Breeding Sub Station, Netanna in not implementing the wage settlements dated 6-1-99 arrived at between the KFDC and its workmen stating that they are not parties to the said settlement even though they were following such settlements entered into between the KFDC and its workmen in the years 1986, 1988, 1992 and 1995 is justified? If not, to what relief the workmen of HBSS are entitled?"

2. First party union workmen were working with the second party management. Dispute was raised and the matter is referred. When the notices were sent to the parties, the parties remained absent. Since beginning parties are absent.

3. In view of this, no purpose will be served if the matter is adjourned. According I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 2nd July, 2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का आ 2032—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भंस अनुसंधान मस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 16-7-2001 को प्राप्त हुआ था।

[स. एल-42011/43/92-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 16th July, 2001

S O. 2032.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 16-7-2001.

[No. L-42011/43/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B L JATAV, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

I.D. No. 24/94

President, Distt Agriculture
Workers Union, 123/5, Jawahar Nagar,
Hissar-125001.

Pctitioner.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana

Management

APPEARANCES :

For the workman :—Shri Darshan Singh

For the management :—Shri R. K. Sharma,
Advocate.

AWARD

(Passed on 8th of June, 2001)

The Central Govt. vide Gazette Notification No. L-42011/43/92-I.R. (D.U.) dated, 31-1-1994, has

referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in not paying the wages to S/Shri Ranbir, Sadhu Ram, Suni, Ramesh S/o Shadi Ram, Hanuman and Ramesh S/o Sh. Pratap, for the days they reported to their duties is justified? If not, what relief the workmen concerned are entitled to?”

2. The representative of the workman appeared. He intends to withdraw the case against the management. The representative of the management has no objection. In view of the above, the request of the representative of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.

8-6-2001

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.प्रा. 2033—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाखड़ा व्यास मैनेजमेंट बोर्ड के प्रबंधन के संबंध में नियोक्ता और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[स. एल-42011/28/88- डी-2(बी)]

कलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2033.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bhakra Beas Management Board and their workman, which was received by the Central Government.

[No. L-42011/28/88-D. 2 (B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 188/89

General Secretary,
Bhakra Beas Management Board,
Nangal Township,
4/D.D., Distt. Ropar, Pb.

.. Workman.

Versu,

Chairman,
Bhakra Beas Management Board,
Sector-19-B, Chandigarh.

... Management.

APPEARANCES :

For the workman : Shri S. P. Shah.

For the management : Shri N. D. Kalra.

AWARD

(Passed on 20-6-2001)

The Central Govt. vide gazette notification No. L-42011/28/88-D-2(B) dated 2nd November 1989 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the BBMB in denying their regular field staff (Irrigation Wing) national and festival holidays as are allowed to the State Govt. employees of Punjab is justified? If not, to what relief the workmen concerned are entitled and from what date?”

2. The case of the union/workman is that the Bhakra Beas management Board is following service rules of Punjab State Govt. The work of construction of Bhakra Dam has been completed, therefore, BBMB has adopted Civil Service Rules of Punjab. The Govt. of Punjab declares annual holidays which are to be observed and availed by all its regular employees. BBMB has given benefit of National and festival holidays to the regular cadre of the staff working under the control of the BBMB but the staff working in field has been deprived from the benefit of national and festival holidays. Field staff has been compensated by granting 8 days casual leave in addition to normal casual leave. The working week of field staff consists of six days whereas the working week of Punjab State consists of five days. The BBMB has notified separate field holidays to its staff members working in the field including regular staff. These holidays are allowed to the workmen covered under Certified Standing orders. But the policy of separate field holidays has been appearing in the case of regular employees, covered under CSR of Punjab Govt. These workmen who have been taken in regular cadre from work charged cadre are entitled to avail the benefit of holidays declared by Punjab Govt. for the staff members of regular cadre. But the management has followed the discriminatory policy which is unreasonable and unjustifiable. Therefore, the claim of the union be allowed and the management be directed to give national and festival holidays to its employees whether they are working in the office or in fields.

3. The management has filed its written statement alleging that the statement of claim is misconceived. The Govt. of Punjab is competent to fix holidays to be observed by its employees of various cadre keeping in view nature of duties, and the work, on which they are deployed. Similarly the management is competent to fix holidays for its employees keeping in view the nature of work and job requirement of its different wings. The working hours of various establishments like hospitals, schools, public establishments public works and field establishments are fixed according to job requirements. So, the demand of the union for observing the holidays in the fields as per with office staff is not justified. The ministerial staff and the field staff cannot be equated in the matter of holidays. The work charged establishment

working in BBMB are allowed 14 days national and festival holidays in consultation with the recognised union. The same holidays are allowed to other regular staff deployed in the field. They are also allowed additional 8 days special casual leave to regular staff in lieu of their working for six days in a week. The BBMB has also allowed 14 field holidays at par with regular employees to the regular employees converted from work charged cadre. The demand of the union is not justified, keeping in view the nature and job requirement of its employees working in regular cadre and work charged cadre. Therefore, the claim of the union deserves to be dismissed with cost.

4. The union has filed rejoinder alleging that the work charged employees who have been converted into regular cadre are also governed by CSR of Punjab State according to which their age of retirement has been prescribed as 58 years whereas as per certified standing orders the age of superannuation is 60 years. Therefore, the workcharged employees taken in regular cadre are entitled to get the benefit of holidays as declared by the Punjab Govt. other averments made in claim statement have been re-asserted in rejoinder

5. The Union has filed the affidavit of an employee named Sat Pal which has been exhibited as Ex. W1. He has been cross-examined by the rep. of the management. He has deposed in his affidavit that he was working in workcharged cadre previously now he has been taken in regular cadre, therefore, he is entitled to get the benefit of natural and festival holidays on the pattern of Punjab State. The regular staff working in BBMB is also getting the benefit of holidays as declared by BBMB on the pattern of Punjab State Govt. He has admitted in cross-examination that he is getting holidays as per certified Standing Orders of BBMB. He has also admitted that the officers and other officials of BBMB get the holidays as per certified Standing Orders when they work in the field.

6. The management has submitted the affidavit of Special Secretary Shri N. C. Singhal which is Ex. M1. The list of holidays Ex. M2 and the circular of Punjab State Electricity Board Ex. M3 have also been filed in this case. Ex. M2 relates to the declaration of holidays on the eve of festivals. The circular issued by PSEB relates to holidays to be observed by technical staff working in the fields. The witness of the management has deposed in his affidavit that the functions of the BBMB as per Section 79 and 80 of Re-Organisation Act 1966 the administration, maintenance and operation of the work of Bhakra and Beas Project which includes the generation of power, transmission and distribution of electricity among the states of Punjab, Haryana, Rajasthan and Himachal Pradesh as well as operation & maintenance of Bhakra Fong. Pandoh dam and regulation of water supply to the aforesaid partners states. All these works falls within the definition of 'Essential Services'. Uninterrupted supply of power and water to the northern region of the country is the primary functions of the BBMB which requires round the clock deployment of employees looking after these works. In order to perform its functions the Board is employing two broad categories of employees viz. Industrial, technical field staff who are actually engaged on operation

and maintenance of the power houses, transmission lines, maintenance of Dams and water regulation machinery and (B) office admn. staff. These are two distinct and separate categories, with its different nature of duties.

7. On perusal of the facts placed before this Tribunal it is evident that the nature of duties shall be the primary factors to decide the grant of national and festivals holidays to the employees working in the Board. The cadre of employees is not the deciding factor of the dispute under consideration. Transport Service, telecommunication, police services, Military services and so many other services are essential services which are needed by the country round the clock. Therefore, in these department national and festival holidays are not observed by the field staff. The employees working in these departments have been placed in regular cadre. Therefore, the cadre is not the deciding factor for the observance of the holidays. The management has allowed eight special casual leave additionally to the field staff in lieu of six days week. The management has also allowed to get the benefit of field holidays which have not been given to the employees working in regular cadre. If all the employees deployed in power plant for the generation of electricity allowed to avail the benefit of holidays, the power plant will remain closed and the whole northern region of the country shall plunge into darkness and wheels of the factories and other establishment shall become motionless. Therefore, the demand of the union is not justified keeping in view the functions of the BBMB which are essential to the country. Consequently, the claim of the union deserves to be dismissed.

8. The management has cited the case of Messers Sexby and Farmers (India) 1. Ltd. Vs. Their workmen AIR 1975 S. C. page 534 in which law has been laid down by Hon'ble Supreme Court which relates to paid and unpaid holidays, in which it has been held that if holidays are observed in industrial establishment it will affect the productivity of the country, therefore, it cannot be allowed keeping in view the economic welfare of the country. Taking into consideration the law laid down by the Hon'ble Supreme Court the claim cannot be allowed because the field staff whether it may be regular or work-charged, is not entitled to get the benefit of natural and festival holidays.

9. After appreciating the evidence adduced by both the parties, the reference is answered that the action of the BBMB in denying their regular field staff (Irrigation Wing), National and festival holidays as are allowed to the State Govt. employees of Punjab State is justified. Consequently the workmen of the Union are not entitled to get any relief in this respect. Both parties shall bear their own costs. Appropriate Govt be informed.

Chandigarh.
20-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 जुलाई, 2001

का.प्रा. 2034.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, केन्द्रीय भैंस अनुसंधान संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2001 को प्राप्त हुआ था।

[सं. एल-42011/3/95-आई आर (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2001

S.O. 2034.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Institute For Research on Buffaloes and their workman, which was received by the Central Government on 16th July 2001.

[No. L-42011/3/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 32/96

President,
District Agriculture Union,
123/5, Jawahar Nagar Hissar. ... Union/Workman.

Versus

Director,
Central Institute for Research
on Buffaloes,
Hissar, Haryana. ... Management.

APPEARANCES :

For the Workman : Shri Darshan Singh.
For the Management : Shri R. K. Sharma
Advocate.

AWARD

(Passed on 8th of June 2001)

The Central Govt. vide gazette notification No. L-42011/3/95-IR(DU) Dated 27-3-1996 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in not regularising the services of 22 workers (Enclosed annexure) is legal and justified? If not to what relief the workers are entitled and from what date?”

2. The representative of the workman appeared. He intends to withdraw the case against the management.

The representative of the management has no objection. In view of the above, the request of the rep. of the workman is accepted, and no dispute award is returned to the Ministry. Appropriate Govt. be informed.

Chandigarh.

8-6-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 20 जुलाई, 2001

का.प्रा. 2035.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रक्षा मंत्रालय के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापतनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2001 को प्राप्त हुआ था।

[सं. एल-14025/16/2001-आई आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th July, 2001

S.O. 2035.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court Visakhapatnam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/o Defence and their workman, which was received by the Central Government on 20-7-2001.

[No. L-14025/16/2001-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, VISAKHAPATNAM

PRESENT :

Sri K. Veerapu Naidu, B.Sc., B.L., Chairman and Presiding Officer.

Dated : 19th day of March, 2001

I.T.I.D. No. (C) 16/99

Petition filed directly under Sec. 2A(2) of the I.D. Act

BETWEEN

Karri Panduranga Rao,
D. No. 7-328, Hanumanthavaka,
Visakhapatnam-530040. ... Workman.

AND

(1) Eastern Naval Command,
Reg. by Chief Staff Officer (P&A)
Naval Base, Visakhapatnam.
(2) Eastern Naval Command,
Rep. by Commanding Officer,
INS Circars, Naval Base,
Visakhapatnam. ... Management.

This dispute coming on for final hearing before me in the presence of Sri B. V. Rao, authorised representative workman and the Government Pleader, for management. Upon

hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

AWARD

(1) This is an application filed under Sec. 2A(2) of the Industrial Disputes Act, 1947 r/w 12-A of the A.P.I.D. Rules.

(2) The case of the petitioner is that he was appointed as Auto Driver in the 2nd respondent establishment which forms an integral part of the 1st respondent. He was appointed in the month of February, 1991 but he was given appointment letter in the month of August, 1991 which was taken back by the authorities subsequently. He worked continuously without any break of service upto 25th October, 1996. He was abruptly removed from service without assigning any reasons. He used to enjoy benefits like weekly day off and statutory bonus. His duties are to carry Naval Officers from their Hostels to various duty areas and vice-versa, besides carrying material etc. belonging to the Naval Officers. Thus, his duties are continuous and perennial in nature. The respondent employed several auto drivers like him both seniors and juniors and subsequently all of them absorbed into regular pay scale. One U. Appala Raju, an auto driver who is junior to the petitioner have also been regularised. In spite of repeated request made by the petitioner, his services were not regularised. Hence this application.

(3) The case of the management is that they used to engage the petitioner to drive an auto purchased out of the non-public funds, from Feb., 1991 to Aug., 1996 purely on temporary basis also paid the honorarium to him out of the non-public funds. However, in 1996 the requirement of auto ceased to exist and therefore, the said individual was informed about this and further engagement was discontinued. The auto was auctioned and was purchased by the petitioner who was one of the bidder and the petitioner was specifically engaged for Russian personnel who were here for specific commitment which was over in 1996. Hence the services of the petitioner were dismissed. It is false to allege that the petitioner was appointed as Auto Driver after due process of selection. The auto was procured from Non-public funds for the purpose only and the driver was also engaged out of the non-public funds and when the requirement ceased to exist during August, 1996, the petitioner was informed well in time of the fact. It is further pleaded that no driver was engaged out of non-public funds have ever been absorbed into regular cadre, as no such provision or rules exists. It is false to allege that many drivers, both seniors and juniors have been absorbed in regular pay scales and one U. Appala Raju has been appointed through Civil Employment Exchange by the competent authority through proper selection process. The specific requirement of the auto was over in the year 1996 and hence the petitioner driver was informed that the services are not required. The petitioner engaged on temporary basis and his services were being paid from non-public funds account generated from by the sales of commodities to Russians. The profit accumulated will be utilised for maintenance. The officer-in-charge of non-public fund account will be nominated by the Commanding Officer, INS Cirkars for smooth running of account. The public fund organisation is not an industry within the meaning of Industrial Disputes Act and the petitioner is not a workman at all. The petitioner is neither reported from employment exchange nor appointed against any vacancy, as such the petitioner can not claim even temporary restoration. Hence the petition is liable to be dismissed.

(4) On behalf of the workman, two witnesses are examined and Exs. W1 to W9 are marked. On behalf of the management MWs 1 to 3 are examined and Exs. M1 to M14 are marked.

(5) Heard both sides.

(6) The points that arise for consideration in this case are :

- (1) Whether the petitioner is entitled for reinstatement with back wages as prayed for?
- (2) Whether the retrenchment of the petitioner is not in accordance with Sec. 25F of the I.D. Act?
- (3) To what relief the workman is entitled to?

(7) The undisputed facts in this case are that the petitioner was appointed as Auto Driver from non-public fund in 'the month of Feb., 1991 in the Russians Hostel' maintained by the respondents. While so, it is the case of the management that there used to be one automan for the Russians who used to stay in the Naval Hostel. However, the requirement of the auto ceased to exist, the petitioner was disengaged and the services were discontinued and later the auto was sold to the petitioner. The management also filed Ex M1 dated 18-9-96 by the staff officer stating that the auto bearing No. AP31-B 4093 is handed over to the petitioner. Ex. M2 is the certificate of sale of the auto the petitioner for a sum of Rs. 20,000. Ex. M3 is no dues certificate issued to the petitioner. Ex. M4 is the receipt of a sum of Rs. 300 salary for the month of September, 1996 for the final settlement of service. Ex. M5 is the no objection certificate for the transfer of the auto in the name of the petitioner. Ex. M6 is the undertaking certificate given by the petitioner for the repairs etc. to the auto. Ex. M7 is the renewal of the temporary passes of the petitioner. Ex. M8 is the letter by the petitioner requesting for issuance of temporary card. Exs. M9 and M10 are the xerox copies of the renewals of temporary pass of the petitioner. Ex. M11 is the stamped receipt for a sum of Rs. 770 towards the salary for the month of August, 1996. Ex. M12 is the page in cash book for Sept., 1996 showing the payment made on 26-9-96. Ex. M13 is the receipt of Rs. 850 towards the salary for the month of July, 1996. Ex. M14 is the copy of the extract from the cash book showing the amount of Rs. 20,000 towards the sale of auto and Rs. 300 towards the final recovery of festival advance. Ex. W1 is the gate pass issued to the petitioner by Lt. Commander (SDS), Staff Officer (Soviet Estt), Ex. W2 is the renewal of the gate pass, Ex. W3 is entry gate pass issued to the workman, Ex. W4 is another pass issued by the respondent to the petitioner. While in service, Exs. W5 and W6 warning letters are given to the petitioner. Thus, the material and the evidence of these facts are not very much in dispute. The only thing is that because the services of the petitioner are not required and as such, he was disengaged in August, 1996 by the respondent. While so, it is the case of the workman that some of the juniors and seniors who are similarly placed with that of the petitioner are absorbed and the petitioner was not absorbed and his services were terminated without issuing any notice or paying any retrenchment compensation even though he served continuously for more than 5 years.

(8) The learned counsel appearing for the management contends that the petitioner is not sponsored by the employment exchange nor he was appointed in any regular post and that there is no Auto Drivers post so as to continue the petitioner in service and the services of the petitioner are no longer required. The management examined MW1 an administrative officer-II, who deposed that the Eastern Naval Command is a Central Government Organisation, INS Cirkar is under the control of Eastern Naval Command, which do not have any control over the non-public funds and the officer, who was in charge, will control over the non-public fund and the petitioner was not employed by the respondent at any point of time and there is an employment pattern to the employees of Eastern Naval Command as it is Central Government Organisation and no employee will be appointed without following the procedure as laid down. This witness admitted in the cross-examination that he cannot say that the petitioner was serving as an auto driver in INS Cirkar as he came to Visakhapatnam on 31st July, 2000, prior to that he did not serve in the Eastern Naval Command. He also admitted that INS Cirkar is a part and parcel of Eastern Naval Command. However, he admitted that INS Cirkar will form an integral part of the Eastern Naval Command. He also admitted that he does not know the workman personally. The Officer Incharge, Naval Hostel is examined as MW2 and he deposed that he was entrusted with the naval hostel for naval guest, senior officers and VVIPs who stays in the Hostel and to ensure the collection of the payment of their stay in the hostel. He also deposed that there are 13 employees working in the hostel, they are all government employees, they are having similarly situated and has been working in the hostel on part time basis as well as requirement basis. He further deposed that whenever they require the extra service they used to engage some part time employees. He admitted that the hostel premises belongs to the Government, and it is being maintained by Military Engineering Service. He also admitted in his cross-examination that the hostel is not any vehicle and Navy Hostel is under the administrative

control of the commanding officers of INS Cincar prior to 1996 mostly Russians used to stay in their hostel and INS was also not providing sufficient transport and as such some of them for personal transport of those Russians purchased one auto for transportation to market purpose, then one driver for that auto i.e. the petitioner was appointed by the Officer in charge of non-public fund. He also deposed that they have not given any appointment order and he got the information after verifying the non-public fund cash account. Thus, the evidence of this witness shows that the petitioner was appointed as an auto driver maintained by the hostel may be for the transportation of the Russians and or other inmates in the hostel.

(9) It is the case of the management, that no appointment order was given to the petitioner, whereas the case of the workman is that he was given the appointment and the same is taken back by the authorities. Whatever it may be there is no written appointment order. In the absence of which, the version given by the workman that he was appointed as an auto driver, is to be accepted and there is no contra material to show that the petitioner was appointed only for a specific purpose and for a particular period. In the absence of which the appointment of this petitioner cannot be said that it is a co-terminus with that of the requirement by the management nor for any specific period and it cannot also be accepted that the appointment of the petitioner was only on need basis as and when required.

(10) Further, it is also admitted by MW3 a bearer in Naval Hostel that in the year 1996 the services of auto lifted prior to that some of them Russians used to stay in the hostel and further the hostel is running 2 autos and the petitioner worked as auto driver for 5 or 6 years and auto was sold to the petitioner, later the services of the petitioner was terminated. In the cross-examination he stated that his services were regularised. He also belongs to the petitioner's union. The people who have worked in the year 1991 in the hostel were regularised and one U. Appala Raju and B. Raja Reddy are appointed bus drivers and their services are regularised as per the orders of the Central Administrative Tribunal. The petitioners in ITTD Nos. 16/99 and 21/99 and himself are being paid same pay by the Officer of the Eastern Naval Command. He denied a suggestion put to him that because some other employees like petitioner have approached the Central Administrative Tribunal for regularisation of their services and hence the services of the petitioner were terminated.

(11) Thus, here this is a case where the petitioner worked continuously for a period of 6 years and odd as an auto driver in the Naval Hostel being maintained by the INS Cincar which forms an integral part of the Eastern Naval Command. It is also admitted by the management that the services of the petitioner was disengaged as the auto was sold to him and his services were no longer required. But in view of the evidence spoken to by MW3 that the hostel is running two autos and that some of the drivers who are worked along with the petitioners were regularised. Therefore, the termination of the services of the petitioner without issuing any notice nor paying any retrenchment compensation which certainly violates the provisions under Sec. 25F of the I.D. Act. Therefore, the termination of the petitioner is liable to be set aside. Even otherwise, the reason for discharging the services of the petitioner is only due to the absence of work or his services are no longer required but there is no material placed by the management that there is no work for the petitioner nor the services of the petitioner are no longer required, when they are running two other autos, even if the auto was sold to the petitioner the workman cannot be thrown out of the job without following the statutory requirement as provided under Sec. 25F of the I.D. Act.

(12) Thus, the termination of the petitioner is against the statutory provisions provided under Sec. 25F of the I.D. Act and also the principles of natural justice. Therefore, the

removal of the petitioner is arbitrary and liable to be set aside.

(13) Of course, there is a delay of about 3 years in this case in approaching this Tribunal after the termination of the workman but that by itself is not a ground to reject the relief for which the petitioner is entitled and at the most the relief can be granted by refusing or reducing the back wages and directing the payment of a part of back wages as laid down in the Supreme Court decision reported in AIR 1999 (SC) 1351 between Ajaib Singh Vs. The Sirhind Co-operative Marketing-cum-Processing Service Society Ltd. and another. The workman's representative also cited another decision for the same proposition reported in 2000(84) FLR 20 SC between Gurmail Singh Vs. Principal, Government College of Education and Ors. wherein it is held that the termination of service took place in the year 1981 and the dispute was raised in the year 1989. Their Lordships were pleased to hold that notwithstanding the delay, the dispute would still continue for adjudication, however he would be deprived of back wages for period of delay.

(14) The workman's representative also contends that the Indian Naval Hostel is also an industry and that the petitioner is a workman and the Tribunal is competent to adjudicate the industrial dispute between the workman and the respondent. In support of his contention he placed reliance on a decision of Bombay High Court reported in 1986 (II) LLJ 154 between Indian Navy Sailors' Home Vs. Bombay Gymkhana Club Caterers and Allied Employees' Union and another wherein it is held under Sec. 2(a)(1), 2(j), 10 of the I.D. Act, 1947 at the Indian Navy Sailors' Home is an industry within the meaning of S. 2(J) of the I.D. Act.

(15) As rightly contended by the representative for the workman that the Indian Navy Hostel is being maintained by the INS Cincar which is an integral part of Eastern Naval Command in as much as it is an industry and the petitioner is a workman in the said industry. Therefore, in the light of my aforesaid discussion, I hold that the termination of the workman in this case is illegal and the same is liable to be set aside. Hence both points 1 and 2 are accordingly answered in favour of the petitioner/workman and against the respondent/management.

(16) Point No. 3 : In the result, the petition is allowed and an award is passed directing the respondents 1 and 2 to reinstate the workman forthwith with 50 per cent of back wages, and continuity of service. However, there is no order as to costs and each party is directed to bear its own costs.

Dictated to steno transcribed by her given under my hand and seal of the court this the 19th day of March, 2001.

K. VEERAPU NAIDU, Presiding Officer

APPENDIX OF EVIDENCE

WITNESSES EXAMINED:

For Workman :	For Management:
WW1 : K. Panduranga Rao	MW1 : V. S. Tripathi,
WW2 : Neelapu Ganalta Rao	MW2 : Kolschandra Benra
	MW3 : K. Venkata Sastry.

DOCUMENTS MARKED:

For Workman :	
Ex. W1 :	Identity pass of workman.
Ex. W2 :	15-5-92 : Letter of management req. renewal of tem. pass of workman.

- Ex. W3 : Entry pass of workman.
 Ex. W4 : Entry pass of workman.
 Ex. W5 : 30-7-91 : Warning letter to workman reg. frequent absent to duty.
 Ex. W6 : 2-3-95 : Warning letter to workman reg. absence from duty.
 Ex. W7 : Xerox copy of form of driving licence.
 Ex. W8 : Copy of judgment in OA No. 525/93 of Central Administrative Tribunal, Hyderabad branch.
 Ex. W9 : 13-10-95 : Copy of order in OA 1390/94 of CAT, Hyd.

DOCUMENTS MARKED FOR MANAGEMENT:

- Ex. M1 : 18-9-96 : Letter to workman by management, reg. handing over the auto documents.
 Ex. M2 : 24-9-96 : Certificate issued by management reg. sale of auto to workman.
 Ex. M3 : No due certificate issued by management to workman.
 Ex. M4 : Receipt for Rs. 300 towards the salary for Sept., 1996.
 Ex. M5 : 17-9-96 : No objection certificate issued by management reg. transfer of the auto in the name of workman.
 Ex. M6 : Certificate of undertaking given by workman reg. responsible for repairs of any defects.
 Ex. M7 : 17-8-92 : Letter of management reg. renewal of the temporary pass.
 Ex. M8 : 25-4-91 : Staff minute sheet reg. issue of temporary pass.
 Ex. M9 : 19-8-93 : Letter of management reg. renewal of temporary pass.
 Ex. M10 : 17-11-92 : Letter of management reg. renewal of temporary pass.
 Ex. M11 : Xerox copy of stamped receipt for Rs. 770 towards the salary of Aug, 1996.
 Ex. M12 : Extract cash bill for the month of Sept., 1996 showing the payment of workman for the month of Sept., 1996.
 Ex. M13 : Xerox copy of receipt for Rs. 850 towards the salary of July, 1996.
 Ex. M14 : Extract of cash book showing the receipt amount of Rs. 20,000 from the petitioner towards the cost of auto (xerox copy).

नई दिल्ली, 20 जुलाई, 2001

का.अ. 2036.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरदर्शन, प्रसार भारती के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर

के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2001 को प्राप्त हुआ था।

[सं. एल-42012/135/2000-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th July, 2001

S.O. 2036.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Doordarshan, Prasar Bharati and their workman, which was received by the Central Government on 20-7-2001.

[No. L-42012/135/2000-IR(DU)]
 KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT:
BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS (Sr. Branch),
 Presiding Officer, C.G.I.T.-cum-
 Labour Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 28/2000

Dated, Bhubaneswar, the 10th July, 2001

BETWEEN :

The Management of Asst. Engineer,
 T.V. Relay Centre Broadcasting,
 Corporation of India,

Berhampur. . . 1st Party-Management.

(AND)

Their workman Shri Bhagwan Das, President,
 SC Employees, Welfare Association,

Berhampur Sub-Divn. Br.

Berhampur. . . 2nd Party-Workman.

APPEARANCES :

Shri B. K. Chahataray, Asst. Engineer,

T.V. Relay Centre . . For the 1st Party-mgt.
 Shri Bhagwan Das. . . For Himself-Workman.

AWARD

The Government of India in the Ministry of Labour in exercise of Powers conferred by clause (d) of sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following

dispute for adjudication vide their Order No. L-42012|135|2000|IR(DU), dated 31-10-2000 :--

“Whether the action of the Management by terminating the services of Shri Bhagwan Das, Ex-Sweeper|Peon, who was engaged by the Management of Doordarshan, Prasar Bharati, Berhampur for 12 years is justified? If not, to what relief the disputant is entitled”?

2. While sending reference intimation was sent to the Asst. Engineer, T.V. Relay Centre, Broadcasting Corporation of India, Berhampur (here-in-after called as the 1st Party-Management) and to Shri Bhawan Das (here-in-after called as the Second Party-Workman) to file their respective statements and documents.

3. In pursuance to that direction the 2nd Party has filed his claim statement where in he has pleaded that he was engaged by the 1st Party-Management as a labour on contract on monthly wages of Rs. 250 from the month of August 1985 for sweeping and cleaning the T.V. relay centre. He worked till April 2000 honestly but he was dis-engaged by the 1st Party-Management with effect from 2-5-2000 without assigning any reason. So he brought the dispute before the Labour Commissioner (Central). As the reconciliation failed the matter was referred to the Government of India who subsequently have made reference to this Tribunal as stated above.

4. In the written statement the 1st Party-Management has averred that, the workman-2nd Party was engaged on contract basis as no sweeper was recruited for the Post because there was no sanctioned post. It was further averred that the 2nd Party was engaged for limited hours from August 1985 to April 2000. As the service was not required he was served with an order on 3-4-2000. So according to the 1st Party-Management as the 2nd Party was a casual labourer and was engaged for limited hours with a consolidated amount, his dis-engagement does not amount retrenchment and so he is not entitled for any relief.

5. No oral evidence has been adduced by both the parties. Except order of dis-engagement no documents have been filed on behalf of the 2nd Party. The averments made by the 1st Party Management that there was no sanctioned post for Sweeper and the

services of the 2nd Party was utilised on casual basis has not rebutted by the 2nd Party either producing any oral evidence or by documents. When the post is a temporary one and the 2nd Party has worked on contract basis as admitted by him he cannot claim for regularisation and his dis-engagement does not amount retrenchment. As regards arrear claims made by the 2nd Party it is submitted on behalf of the 1st Party-Management that the question of arrear payment does not come into picture as the 2nd Party was working for limited hours with a consolidated amount to which he was agreed to. I do not find any reason to dis-believe this averments made by the 1st Party-Management.

6. As per the above discussion this Tribunal is of the opinion that the 2nd Party has failed to establish that he has got a cause of action against the 1st Party Management in the other words the action of the Management by terminating the services of the 2nd Party is not un-justified and the 2nd Party also is not entitled for any relief.

7. The reference is answered accordingly.
Dictated and corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 23 जुलाई, 2001

का.आ.2037.--केन्द्रीय सरकार सतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिगूचना संख्या का.आ. 204 दिनांक 24-1-2001 द्वारा तांबा खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 25 जनवरी, 2001 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की ओर कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय

सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 25 जुलाई 2001 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[स एस-11017/11/97-आई आर (पी एन)]

एच सी गुप्ता, अवर सचिव

New Delhi, the 23rd July, 2001

S O 2037—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the Clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O No 204 dated 24-1-2001 the Copper Mining Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 25th January, 2001

And whereas, the Central Government is of opinion that Public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of Clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 25th July, 2001

[No. S-11017/11/97-IR(PL)]

H C GUPTA, Under Secy

नई दिल्ली, 1 अगस्त, 2001

काआ 2038—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 01 सितम्बर, 2001 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् —

“जिला बैंगलूर के तालुक बैंगलूर दक्षिण में होबली बैंगूर के अन्तर्गत आने वाले राजस्व ग्राम सिगसद्र एव चिकक्त्तोगूर”।

[स एस-38013/15/2001-एस एम-I]

एम सी मिश्र, उप सचिव

New Delhi, the 1st August, 2001

S.O. 2038.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka namely : -

“The areas comprising the revenue villages of Singasandra and Chickathogur in Hobli Begur taluk Bangalore South in the District of Bangalore”

[No. S-38013/15/2001-SS.I]

M. C. MITTAL, Dy. Secy.

नई दिल्ली, 1 अगस्त, 2001

काआ 2039—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 01 सितम्बर, 2001 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबध पश्चिम बंगाल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् —

“जिला बर्दवान में थाना रानीगज के अन्तर्गत मौजा जे एल-24 रानीगज में आने वाले क्षेत्र”।

[स एस-38013/16/2001-एस एस I]

एम सी मिश्र, उप सचिव

New Delhi, the 1st August, 2001

S.O. 2039.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already

been brought into force] of the said Act shall come into force in the following areas in the State of West Bengal namely :—

“Areas comprising J. L. No. 24 of Ranigunge Mouza under Ranigunge Police Station in the District of Burdwan.”

[No. S-38013/16/2001-SS.I]

M. C. MITTAL, Dy. Secy.